

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – DECEMBER 9, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 7:35 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

Those present were the following:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,  
David Barad, Cynthia Tutoli and Victoria Amitai  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Council Elect, Arthur Dolson and Alissa Latner

Also present in the audience were: Brian Beddoe, Assistant Director of Recreation, Jim Oettinger, Recreation Director, Douglas Radick, Chairman, Historic Preservation Commission; members: Irene Stella, Jennifer Rothschild, Bobbie Bouton Goldberg

4. MAYORAL APPOINTMENT OF \_\_\_\_\_ AS MEMBER OF THE ENVIRONMENTAL COMMISSION FOR AN UNEXPIRED 3-YEAR TERM (ISACOFF) TO 12/31/09 (4. M.L. 10/22/09)

5. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)  
(Subject to 5-minute limit per General Rule No. 10)

Mayor Heymann opened the meeting to the public.

Jack Kelly, 132 Herbert Avenue, read excerpt from the NY Times relative to the New York State budget, credit rating and deficits. Mayor Heymann indicated that she hoped the Borough would not have a deficit but that borrowing does not mean that the Borough has a deficit.

Mr. Kelly questioned the expenditures contained in the \$1,000,000 that was borrowed such as the traffic light; and Borough Engineer advised that the cost would be under \$100,000 for the light. Mr. Kelly also referred to the emergency Sanitation truck, fingerprint scanner, fire alarm and DPW truck in the amount of \$366,645 in addition to the acquisition of an emergency generator for Borough Hall in the amount of \$105,000. Mayor Heymann noted that the aforesaid listing had been received from the Borough Treasurer; and she would check on same. Councilman Kashwick explained that the amounts financed are traceable to the original bond ordinances. Mayor Heymann explained that the school does not have a deficit budget nor does the Borough. Mr. Kelly questioned the need for a fingerprint scanner and a fire alarm in Borough Hall. Mayor Heymann explained that the State has mandated the purchase of the fingerprint scanner; and there is a need for a fire alarm in Borough Hall.

Mr. Kelly referred to the road program allocations and expressed concern about the Borough's debt. Mayor Heymann advised that those are past road improvement allocations for 2007 and 2008. Borough Administrator advised that the Borough is not allowed to operate with a deficit; and the items being discussed are long-term debt, which he proceeded to explain.

Steve Isaacson, 97 Columbus Avenue, referred to the blacktopping of the gas station across from Borough Hall and the remediation of the underground tanks. Borough Engineer voiced his understanding that the tanks had been removed and that the Department of Environmental Protection would have provided a letter to the Health Department.

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Mr. Isaacson questioned if more bus shelters could be obtained from the bus company, which could encourage the use of mass transit and whether Open Space funds could be used for this project. Mayor Heymann explained that a number of years ago she attempted to obtain more bus shelters but the bus companies were not interested; and she would be happy to try again.

Mr. Isaacson referred to Shared Services; and Mayor Heymann noted that the Borough does share services very successfully such as with leaf pickup during the last storm. The Department of Public Works is working at full capacity at this time.

Mr. Isaacson questioned if the governing body had been to the parks to inspect the fences and signs since the meeting two weeks ago. Councilman Barad said that he had visited the parks and taken pictures; and the matter was being discussed.

Hugh Johnson, 107 Demarest Avenue, referred to the meeting two weeks ago during which the patronage for three Borough employees was approved in the amount of \$4,000 each, which he felt they were deserving of same. He noted that there was a presentation of flowers to the Borough Clerk on her birthday; but the flowers did not supplant the hard work that this lady does every single week. He noted that two weeks ago she was in the office until approximately 9 p.m., that on Thursday she worked while sick from a food reaction and she is also in the office on Saturdays when no other employee does so. He suggested that the Borough Clerk be rewarded with the same \$4,000 bonus because of her hard work and 22 years of service to the Borough. He said he considers her the hardest working employee in this Borough.

Mr. Johnson noted that he has been in contact with the Verden Company; and he presented a proposal for the 300<sup>th</sup> Anniversary. He said the present clock is a disgrace; and the cost of the clock would be \$25,000 of which he would raise some of the money to defray the cost. He requested approval of this capital expenditure after the first of the year in addition to noting what would be required for the installation and the timetable. Mayor Heymann noted that she had investigated this matter and that the present clock can be fully refurbished and improved at a cost of \$8,300.

6. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinance was introduced at the Regular Meeting held 11/09/09 and was published in the Press Journal on 11/19/09 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:

- a. NO. 2009:1062, "AN ORDINANCE OF THE BOROUGH OF CLOSTER AMENDING CHAPTER 200 ZONING ORDINANCE TO DESIGNATE HISTORIC LANDMARKS"

Mayor Heymann declared a Public Hearing.

Councilman Kashwick commended the Historic Preservation Commission for their untiring work on this District and noted that this will be a great thing for the neighborhood.

Motion approving adoption of Ordinance No. 2009:1062 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

Mayor Heymann congratulated the Historic Preservation Commission on this major achievement for the Borough; and the public offered a round of applause.

7. COMMUNICATIONS

- a. MAIL LIST – DECEMBER 3, 2009 – 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: Hugh Johnson, 107 Demarest Avenue, removed Item No. 2. Borough Engineer removed Item No. 4. Steve Isaacson, 97 Columbus Avenue, removed Item No. 16.

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Item No. 2 – Received 11/23/09, dated 10/30/09 from Michael Mariniello, Jr., to Mayor re Letter of resignation as full-time Borough Treasurer effective November 1, 2009 (Distributed 11/23/09).

Hugh Johnson, 107 Demarest Avenue, requested an explanation of the letter of resignation. Borough Administrator explained that Mr. Mariniello resigned for the month of November in order to comply with State pension laws. He was reappointed at the last meeting, effective December 1, 2009.

Item No. 4 – Received 11/23/2009, dated November 2009, from Donald J. Wieder, 6 Willow Road, as representative for the attached petitioners to Mayor, re Letter with enclosed petition requesting investigation of an area on and around Piermont Road where residents experience excessive road noise and shaking and vibration within homes and requesting the County set up a routine “check point” to determine if trucks traveling the route are abusing the posted weight restrictions (Copy to Chief Berrian, Construction Official.)

In answer to Borough Engineer, Borough Administrator advised that Chief Berrian is looking into the matter.

Item No. 16 – Received 12/03/09, dated 12/02/2009 from Jeffrey G. Entin, Senior Manager, Environ Corporation to Ellen Hutchinson, Case Manager, NJDEP Bureau of Field Operations Northern Section c: Board of Health, Borough Clerk re Notice of Immediate Environmental Concern (IEC) at JADCO, Inc. property: 84 Herbert Avenue, Closter, MOA Case #01-02-15-0305-10; PI#G000061745; Notice of Immediate Environmental Concern (IEC) – Vapor Pathway, letter only! (Copy to Board of Health, Construction Official, Environmental Commission – letter only).

Steve Isaacson, 97 Columbus Avenue, as a member of the Environmental Commission, asked the meaning of a vapor pathway. Councilman Barad said the letter indicated that the testing showed the presence of certain volatile organic compounds above the respective indoor air screening levels as given in the NJDEP 2005 Vapor Intrusion Guidance. The Department of Environmental Protection would be the enforcement agency in this matter.

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

Mayor Heymann opened the meeting to the public for communication items only.

9a. REVIEW OF CONSENT AGENDA ITEMS  
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

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

10.\* BILL RESOLUTION – DECEMBER 15, 2009  
TO BE PREPARED BY DEPUTY TREASURER

11.\* POSSIBLE TRANSFER RESOLUTION NO. 1 (Requested by Administrator and CFO  
12/3/09) TO BE PREPARED BY CHIEF FINANCIAL OFFICER

~~12.\*~~ POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE  
REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY  
ADMINISTRATOR Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09;  
3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09;  
8/26/09; 9/9/09; 9/23/09; 10/14/09; 10/28/09; 11/9/09; 11/23/09):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09

Mayor Heymann informed there would be no appointments until January.

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- ~~13.\*~~ RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATES FROM THE DIVISION OF TAXATION, WHO HAVE COMPLIED WITH ALL OTHER REQUIREMENTS FOR RENEWAL OF THEIR 2009-2010 ANNUAL LIQUOR LICENSE RENEWALS, TO APPLY FOR AN AD INTERIM PERMIT UNTIL SUCH TIME AS THEIR TAX CLEARANCE CERTIFICATE IS OBTAINED FROM THE DIVISION OF TAXATION )
- 14.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,177.96 TO MANDELBLATT, L & M, FOR BLOCK 2102 LOT 37.02 DUE TO 2009 TAX OVERPAYMENT RE COUNTY BOARD JUDGMENT IN THE 4<sup>TH</sup> QUARTER (Received from Tax Collector 11/30/09)
- 15.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$71,119.74 PAYABLE TO R. ROTHMAN, 411 GRAND AVENUE, ENGLEWOOD, NJ 07632, FOR REDEMPTION OF TAX SALE CERTIFICATE #07-2 AND A RETURN OF ESCROW FOR PREMIUMS PAID AT TAX SALE IN THE AMOUNT OF \$11,100.00 RE BLOCK 2102, LOT 8, 132 ANDERSON AVENUE (Received from Tax Collector 11/30/09)
- 16.\* RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDED CONTRACTS FOR CERTAIN PUBLIC HEALTH SERVICES AWARDED IN THE BOROUGH OF CLOSTER (Received from Borough Attorney 12/1/09)
- 17.\* RESOLUTION SUPPORTING THE COST PER PUPIL METHODOLOGY PROPOSED BY THE JOINT LEGISLATIVE COMMITTEE ON SCHOOL FUNDING AS A MEANS TO MORE ACCURATELY QUANTIFY THE COST OF EDUCATION IN NEW JERSEY AND SUPPORT ITS USE AS A MECHANISM TO ACHIEVE SOUND EDUCATIONAL FUNDING (Received from Mayor’s office 12/2/09)
- 18.\* RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE BERGEN COUNTY IMPROVEMENT AUTHORITY’S BERGEN MUNICIPAL BANC PROGRAM (Received from Administrator 12/2/09)
- 19.\* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a (Duration of contract period 12/9/09 to 12/8/2010); REFERENCED STATE CONTRACT VENDORS: POLICE VEHICLES, CHAS S. WINNER INC., CHERRY HILL, NJ – MAXIMUM AMOUNT \$50,656.00; MAILROOM EQUIPMENT – NEOPOST USA INC., MILFORD, CT – MAXIMUM AMOUNT: \$3,222.00 (Received from Administrator 12/3/09)
- 20.\* RESOLUTION APPOINTING DANIEL HARGRAVE TO SERVE AS DISPATCHER TRAINEE, A PER DIEM POSITION, FOR A PERIOD NOT TO EXCEED 180 DAYS, AT AN HOURLY RATE OF \$12.60, EFFECTIVE 12/15/09 (Received from Chief of Police 11/30/09)
- 20a.\* RESOLUTION APPROVING 2009-2010 RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0201-33-006-006, KLIP, LLC, t/a Assembly East (Tax Clearance Certificate received 12/8/09 dated 11/23/09)
- 20b.\* RESOLUTION AUTHORIZING ISSUANCE OF 2009 CERTIFICATES OF COMPLIANCE TO JOHN PETERS PROFESSIONAL LIMOUSINES, 231 HERBERT AVENUE, FOR ELEVEN (11) NAMED VEHICLES (Approval received from Risk Management Consultant 12/7/09 and Borough Attorney 12/8/09)
- ~~20c.\*~~ RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDED CONTRACTS FOR CERTAIN PROFESSIONAL CONTRACT POSITIONS: PUBLIC HEALTH ADMINISTRATION/ENVIRONMENTAL HEALTH SERVICES, IN ACCORDANCE WITH PUBLIC HEALTH PRACTICE STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY AND BOROUGH PLANNER FOR MUNICIPAL PLANNING IN ACCORDANCE WITH C.O.A.H. REQUIREMENTS AND INCLUDING, BUT NOT LIMITED TO, PROVIDING CONSULTATION SERVICES AND RECOMMENDATIONS FOR OPEN SPACE ACTIVITIES (Received from Borough Attorney 12/9/09)

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Borough Attorney advised that this Resolution replaces Resolution No. 16 and includes an advertisement for a Borough Planner.

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann previously removed Item No. 12. Borough Attorney previously removed Item No. 16. Borough Clerk removed Item No. 13. Jack Kelly removed Item No. 15 and Steve Isaacson removed Item No. 20c.

9b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 12, 13, 15, 16 and 20c was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

25. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

13. RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATES FROM THE DIVISION OF TAXATION, WHO HAVE COMPLIED WITH ALL OTHER REQUIREMENTS FOR RENEWAL OF THEIR 2009-2010 ANNUAL LIQUOR LICENSE RENEWALS, TO APPLY FOR AN AD INTERIM PERMIT UNTIL SUCH TIME AS THEIR TAX CLEARANCE CERTIFICATE IS OBTAINED FROM THE DIVISION OF TAXATION )

Borough Clerk advised that this Resolution was removed because Klip LLC obtained a tax clearance certificate; therefore, the liquor license can be renewed for the 2009-2010 year.

15. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$71,119.74 PAYABLE TO R. ROTHMAN, 411 GRAND AVENUE, ENGLEWOOD, NJ 07632, FOR REDEMPTION OF TAX SALE CERTIFICATE #07-2 AND A RETURN OF ESCROW FOR PREMIUMS PAID AT TAX SALE IN THE AMOUNT OF \$11,100.00 RE BLOCK 2102, LOT 8, 132 ANDERSON AVENUE (Received from Tax Collector 11/30/09)

Jack Kelly, 132 Herbert Avenue, questioned the reason for the Resolution. Borough Attorney explained that when a person's tax payments fall behind, the Borough after a period of time, has the right to sell the collection of the taxes. The high bidder pays the taxes to the Borough and holds a certificate for repayment by the homeowner.

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

- 20c. RESOLUTION TO PURSUE A "FAIR AND OPEN" PROCESS IN AWARDING CONTRACTS FOR CERTAIN PROFESSIONAL CONTRACT POSITIONS: PUBLIC HEALTH ADMINISTRATION/ENVIRONMENTAL HEALTH SERVICES, IN ACCORDANCE WITH PUBLIC HEALTH PRACTICE STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY AND BOROUGH PLANNER FOR MUNICIPAL PLANNING IN ACCORDANCE WITH C.O.A.H. REQUIREMENTS AND INCLUDING, BUT NOT LIMITED TO, PROVIDING CONSULTATION SERVICES AND RECOMMENDATIONS FOR OPEN SPACE ACTIVITIES (Received from Borough Attorney 12/9/09)

Steve Isaacson, 97 Columbus Avenue, expressed concern about the wording of the Resolution relative to the hiring of a Borough Planner for consultation services and recommendations on Open Space activities. Mayor Heymann said this may provide assistance to compile an Open Space Inventory; and just because there is advertisement, it does not mean there would be a contract for these services. Borough Administrator said the Borough has a Green Acres requirement for property acquisition and an obligation to up date recreation and open space inventory (ROSI) for which a planner is necessary according to the State.

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At this time, Mayor Heymann informed she had not completed reading the Consent Agenda Items and continued as follows:

MOTIONS

~~21.\*~~ MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09; 10/14/09; 10/28/09; 11/9/09; 11/23/09:

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

\*\* Mayoral Appointment

No appointments were made

22.\* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:  
 (Distributed 12/03/09) NO ABSTENTIONS

- a. REGULAR MEETING OF NOVEMBER 23, 2009
- b. WORK SESSION OF NOVEMBER 23, 2009

~~23.\*~~ MOTION APPOINTING \_\_\_\_\_ TO SERVE AS MEMBER OF THE ZONING BOARD OF ADJUSTMENT FOR AN UNEXPIRED 4-YEAR TERM (MATTES) TO 12/31/09 (14. M.L. 6/25/09) Adjourned from RM 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09; 10/14/09; 10/28/09; 11/9/09; 11/23/09)

24.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – NOVEMBER 2009 (Received 12/1/09)

Motion approving Consent Agenda Item Nos. 20c, 22 and 24 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

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

Councilman Kashwick reported that the Planning Board, on December 2<sup>nd</sup>, did unanimously approve the Historic District.

Councilman Glidden asked for a discussion on the athletic fields. Jim Oettinger, Recreation Director, said the fields have been closed with fences and ropes since 2000. This year at Memorial Field he had young people with community service time do too good a job with the fences; and he had to open same to provide public access. He advised that during lunch time, Tenakill School is bringing the children to the park to use the basketball court and the play area when their field is unusable. Every day there are 15 Closter residents at the park walking their dogs and we are not chasing the people from the parks. Areas have been reseeded and resodded; and certain areas have been worn out. Some of the signs say that the fields are closed for the winter and one says walking of dogs is permitted at all times. New signs would cost \$180 per sign. Councilman Barad said that the Council has received numerous complaints; and the perception of the signs appears unfriendly. He suggested more explicit and consistent signs.

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Mr. Oettinger suggested that winter fences be installed after the areas are seeded; and at Ruckman Field, the area is presently a bog and should not be used. He said he was in contact with Green Acres and was advised that the Borough has the ability to close the fields to allow them to recover. He urged the members of the Council to visit the parks and talk to the dog walkers on this matter. Councilman Barad said he would support different signs, fewer fences and making the school responsible for keeping the children off the grass. Councilman Glidden said the Borough's position in the past is that organized athletic activities are not allowed on the fields during the winter, but it is permissible for residents to walk, hike or walk dogs. Separating the fences has allowed residents to walk through the area, which was not the case two weeks ago. Mr. Oettinger advised that the infield at the Potterton Field has been fenced off in addition to Mollicone because of new sod.

Hugh Johnson, 107 Demarest Avenue, advised that the clock comes with an option for chimes in the amount of \$5,000, which he would contribute in addition to \$2,000 for the clock itself. He asked the Borough Attorney for the procedure to provide the bonus to the Borough Clerk that was given to three other employees and he requested a motion. Borough Attorney said that bonuses are discretionary payments by the governing body. Councilman Glidden said that it is a very good suggestion; but before a motion is put forth, there should be discussion in closed session.

Steve Isaacson, 97 Columbus Avenue, questioned the need for a fence on the field if access is being provided for people to walk through. He said the school children should be allowed to use the public parks. Jim Oettinger said the field at the school is under water and cannot be used.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 8:40 p.m.

Motion to recess the Regular Meeting at 8:40 p.m. was made by Councilman Glidden seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:20 p.m.

- 26a. Motion approving the following Resolution at 9:20 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:

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(4), "A collective bargaining agreement"; N.J.S.A. 10:4-12(b)(5), "A matter involving the expenditure of public funds for the acquisition of real property"; N.J.S.A. 10:4-12 (b)(7), Two matters falling within the attorney-client privilege"; N.J.S.A. 10:4-12(b)(7), "Pending or anticipated litigation or contract negotiations"; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, litigation and the matter which should be within 8 weeks.

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

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

- 27a. The following motion was made by Councilman Barad and seconded by Councilwoman Amitai.

RESOLUTION AUTHORIZING AN ADDITIONAL \$1,300.00 FOR THE PURPOSE OF FURTHER INVESTIGATION OF THE FLAMM PROPERTY BY BOSWELL ENGINEERING

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

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28. ADJOURN

Motion to adjourn the Regular Meeting at 9:47 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  
December 17, 2009 for approval  
at the Regular Meeting to be held  
Monday, December 21, 2009

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Loretta Castano, RMC  
Borough Clerk

Prepared by Carol A. Kroepke, RMC  
utilizing recording and Borough Clerk's  
notes

Approved at the Regular Meeting held December 21, 2009  
Consent Agenda Item No. 16a.



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WORK SESSION NOTES – DECEMBER 9, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:39 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 and Victoria Amitai  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Council-Elect Arthur Braun Dolson  
Council-Elect Alissa J. Latner

The following persons were absent:

Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney reported on the following:

a. Mr. Rogan updated the Council in terms of correspondence received between the last two meetings. The arbitrations have been held on both DPW matters. On the suspension, the Borough was partially successful in that the Arbitrator agreed that a suspension was warranted; reduced the suspension from 5 days to 2 days, but upheld the suspension itself. The other issue with the other individual which is a termination after a full hearing; the Arbitrator issued a written decision that he ruled in favor completely of the Borough's position on that matter, so those two matters are now completed and we will be moving forward from there. There are no other arbitrations pending within the DPW at this time.

b. Tax Appeal updates – Due in great part to fact that the Borough astutely performed the revaluation, and as of December 2009 now we only have 10 commercial appeals and only 2 residential for all of 2009. The commercial ones for the most part are under control; and they should be getting resolved over the next few months; by mid-year next year they will be all done. There are a couple of leftovers from prior years; in 2008 there's a couple that were essentially all brought by Mr. (Jesse) Rosenblum against Watkins, Miele and Harvest. Those are tax appeals from 2008 that are pending but they are not tax appeals taken by the property owner asking for a reduction, but by Mr. Rosenblum asking that they be increased.

In response to Councilman Barad's inquiry, Mr. Rogan advised it will not affect our revenue stream. If our Assessor is proved wrong, the Borough will get more money. If the Assessor is proven correct, that the assessments were done correctly, then there will be no loss to

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the Borough at all. There have been 9 cases settled, withdrawn or dismissed within the last 2 months. A number of them were dismissed for their failure to either retain experts or to answer interrogatories that were served upon them. For the most part in terms of tax appeals, comparatively speaking with other towns, we had a very good year, given the real estate market and so forth. A lot of other towns have been hit very hard with tax appeals and we have actually had fewer than normal and for the most part they are all under control.

c. Update on the two lawsuits regarding the Irani development; depositions have been taken of two of the plaintiffs in that case: Mr. Rosenblum and Mr. Martin, who is the first named plaintiff on the A&P party side. We have additional depositions coming up of the remaining plaintiffs. We have filed a summary judgment and requested the court dismiss both cases as a matter of law. That was returnable Friday; the Judge did not have oral argument. She will be ruling on papers. That motion is typically not granted early in the case; Judges like to give litigants the opportunity to conduct discovery, take depositions, interrogatories, etc. We still believe there is enough information there that we believe the only issues there are legal ones, not factual.

Councilman Glidden asked the Borough Attorney for clarification if there were more than two lawsuits. Mr. Rogan explained there are two lawsuits, with multiple plaintiffs. A&P has three named plaintiffs and then themselves, but there are only two lawsuits; Mr. Rosenblum's and the A&P lawsuit. Mr. Martin, who was deposed, turns out to be the front end manager of A&P who rents a house in Closter. He knew basically nothing about the case and only came to one Planning Board meeting after the ordinance was adopted. It is somewhat suspicious that he is even named in that type of case, because he has no personal knowledge of any of the facts leading up to the drafting of that complaint. Mr. Rogan explained Mr. Martin was deposed at his office; and transcripts are available for the Council if they would like to read the full transcripts of both.

In response to Councilwoman Amitai, Mr. Rogan explained that last Friday it was returnable. The judge can give an opinion when she wants; there is no timetable for the Judge. He clarified further that on paper she did not want to hear oral argument. She based it upon the briefs that were submitted by all parties. Normally, with a summary judgment motion, the judge will have oral arguments so the attorneys can emphasize certain parts of the brief and address any questions the judge may have. Dr. Barad asked if the facts are not being contested, if it is a legal issue. Mr. Rogan responded that was not correct, the judge can determine if she wants to have oral arguments or not. For whatever reason she determined she wasn't going to have oral argument, that she would make the decision based solely upon the paperwork that was submitted. We will be receiving a written decision as opposed to her verbally telling us. In response to Dr. Barad's inquiry if that leaves her decision more subject to an appeal, Mr. Rogan advised it may. In 26 years of litigation he has never had a judge deny oral argumentative summary, so he feels it is a very unusual circumstance that a judge would not have oral argument of summary judgment.

d. Wiggers issue – following meeting with a neighborhood group a while back, Mr. Rogan contacted both verbally and in writing, Denny Wiggers informing him the Borough would no longer tolerate storing of debris or anything on the Borough right of way, the paper street. He received an e-mail from Mr. Wiggers last week informing that all of the debris and items were removed. Mr. Rogan spoke to his attorney yesterday and she advised same. He then had (Zoning Officer) Lenny Sinowitz confirm that, and apparently that's not the case. Either it had been put back or not moved, and it is these piles of stuff that can be moved from one day

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to the next. His letter to Mr. Wiggers over a month ago indicated if he did not do it, we would have the DPW come in and take care of it. Mr. Wiest questioned if we would be able to put a lien on the property for costs associated. Mr. Rogan responded his recommendation would be to say just that; after investigating the representations made and it turns out they were still on it, maybe there was a misunderstanding; maybe they don't know where the boundary line is. We can give them five days; and if not, we will do it at their expense; it is up to the Council. Mr. Rogan stated if the Council was in agreement, he would draw up the papers; and there were no disagreements voiced.

At this time, the Borough Attorney informed he had two items for closed session: the first is regarding DPW negotiations and the other is regarding personnel issues. Mayor Heymann thanked the Borough Attorney for saving us money and grievance in terms of the settlement of the DPW employees.

Councilman Hennessey asked Mr. Rogan if Mr. Wiggers had ever received a summons or a violation. Mr. Rogan advised he was aware of many but he does not get a copy unless it goes to court or unless he is asked for an opinion. Mayor Heymann clarified that he was in front of the Building Department, which took him to court. There were several people on John Street in addition to Mr. Wiggers that were given summonses and were taken to court. He pleaded in court that he would like to be able to straighten it out by asking the Zoning Board for a variance, and then they all went to the Zoning Board and they are all in front of the Zoning Board as we speak. Councilwoman Amitai noted it has been in front of the Zoning Board for a long time and Mayor Heymann replied that they had been postponed a few times.

**B. BOROUGH ENGINEER**

1) **STATUS REPORT RE ROAD IMPROVEMENT PROGRAM**  
(Bid Awarded to Rockborn Trucking & Excavation, Inc.

RM 5/13/09/\$1,494,692.50) - Borough Engineer reported that the project was finalized at the last meeting with the final change order; and it came in at approximately \$40,000 under budget; roughly \$1,450,000. This project is completed and can be removed from the Agenda.

2) **STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 –** This project is under design. It is a federally funded project and there is a lot of red tape and paperwork that has to be done for the project as well as the design. We are in the process of that still with the NJDOT and it will probably be bid sometime next summer.

3) **REPORT –** Mr. DeNicola reported his status report as of December 9, 2009 has been distributed and the highlight to add to his Agenda would be the West Street Phase 5 which is the 2010 Local Aid Project which we will be undertaking next Spring.

**4. REPORTS**

**A. BOROUGH ADMINISTRATOR**

1) **STATUS REPORT RE 2009 MUNICIPAL BUDGET/**

**REPORT RE PREPARATIONS FOR 2010 MUNICIPAL BUDGET -** Mr. Wiest noted that earlier this evening he had passed out the reports on the Municipal Budget; and as all can see, we are starting to show some overages in some categories. The Transfer Resolution that

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was adopted this evening begins our process of closing out the year. As we apply those transfers that were approved, those overages will start to be cleared by transferring available funds from other accounts. We would expect to have a second Transfer Resolution for the next meeting. This process goes on in every governmental entity every year at this time; where you are allowed to begin to make transfers in the last two months of the year, but you can't do anything before November 1st. Ms. Castano advised the Borough Administrator that as a Department Head, she had not received any (Account Detail) report for the month of November; and now that transfers are taking place, she feels uninformed and would imagine the other Departments would be feeling the same way. She questioned whether anything can be done at this point in time and Mr. Wiest explained he would provide status reports.

2) STATUS REPORT RE BOROUGH WEB SITE – Mr. Wiest advised that Mr. (Kevin) Whitney is in the process of migrating our content to the new website so that we will have that up and online for the beginning of the year. We are also finalizing the Borough Calendar for 2010; and as soon as that final file is available, that will be included on the website as well. As soon as the website goes live, people will be able to access the new content as well as the calendar.

3) STATUS REPORT RE BID OPENING HELD 11/13/09 @ 11:00 A.M. FOR THE LEASE OF A PORTION OF WELLINGTON AVENUE – The Borough Administrator reported that this was an old matter as Miele was awarded the contract for Wellington Avenue.

4) REPORT RE INSURANCE REQUIREMENTS FOR AMERICAN CANCER SOCIETY TO CONDUCT 23<sup>RD</sup> ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE ON 6/13/2010 (17 M.L. 12/3/09) – This item is a new request for an activity which may come through the Borough in June; and we do not have insurance requirements yet but they usually provide the information closer to the event.

5) REPORT – Mr. Wiest informed he has an item that is not on the Agenda but one that he would like to comment on regarding property taxes. He explained that every year County taxes must be apportioned among the 70 municipalities in Bergen County. The County taxes have to be apportioned based on the relative property values in each town. Each community has their properties assessed at different points in time so they may be more or less current. A waiting takes place at the County level to assign what it deemed to be the appropriate amount of County taxes to each municipality. In Closter's case, there was a reassessment done in 2008 which brought the property values closer to a current point in time than some other communities that hadn't changed their valuations in a while. This is a black art that goes on at the higher level of government to assign taxes to your municipality. There are about a half a dozen towns in Bergen County that believe there may have been an error made in calculating the ratio that is used to assign County taxes to those municipalities; Closter is one of them. Our point of view is that the ratio that is used to equate Closter's property values to other municipalities should be based upon property values for the six months beginning in January and ending in June of this year. The ratio that was in fact used was for the 12 month period beginning last July and ending in June. What this means is that we have 6 months of property valuations prior to the reassessment that took place so they are quite dated, and then you have 6 months that are quite current. It is our posture, and the posture of our Assessor, Angela Mattiace, that the Closter ratio should be based upon the 6 months, and only 6 months from January to June. This is as he believes the issue has been explained to him. We are considering an appeal on this issue and

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there was a meeting today on this issue down at the County Tax Board, from which he has not yet received a report. There are about a half dozen municipalities in Bergen County that have this position; and we believe that we may push ahead with an appeal. The impact in time, if successful, could result in an actual reduction in County taxes assigned to the Borough to pay; if that is the case, property owners in the Borough who paid County taxes for this year may be entitled to some adjustment for that in a favorable direction, perhaps next year. He wanted to make all aware of this and reminded that nothing is guaranteed but noted we have a point of view to make. Ms. Amitai asked who was at the meeting; and Mr. Wiest advised the Assessor was there. He corrected himself and apologized as the meeting is scheduled to be held tomorrow (12/10/09), but she would be able to tell us how it went. Dr. Barad questioned what the precedent is for this kind of appeal. Mr. Wiest responded that an appeal process is available and municipalities always have the right to appeal their proportion of taxes. It doesn't often happen, but when you have things in a bit of a flux from changes in the housing market, and you think you have a case to make, that is something that can be argued. Mr. Wiest clarified he is not sure what the timeline for the process would be as he has not been through the entire process, but he will obtain further information on it. He continued that in terms of direct impact on the Borough, it will be less, but in terms of the impact on individual property owners, there could be a benefit out in time, so he wanted to make all aware of that.

At this time Mr. Wiest advised he has two Closed Session matters regarding property acquisition and personnel. He mentioned he also has an item that he thinks is of some historic importance in the Borough. He feels this is particularly appropriate given that we are approaching the 300<sup>th</sup> anniversary celebration in 2010. A woman came to his office earlier this week and he did not catch her name, but is a resident and found what she believed to be some important historic artifacts relating to the Borough; and she wanted to turn them over to someone in an official capacity. She turned over these items to him, and they are quite interesting and important to share with the Council this evening. He feels as his service with the Borough has been very short, he cannot validate them as to whether they are genuine historic artifacts. They involve two bars of soap, which the woman encased in a protective wrapper, and they are labeled "Keep Closter Clean" on one side, and on the other side, "Re-Elect Mayor Edward T. Rogan, return Mike Lewis and Return Erik Lenander" and "Paid for by the Campaign Committee of 1990". He wanted to share them with everyone because the woman had actually said she wasn't sure, but maybe these guys were still around. In the last couple of days he had some spies inquiring about this; and he has been reliably informed that anyone who was fortunate enough to spend an evening in the Rogan household, that if you use the bathroom there, they are still using these. He thought they would all enjoy seeing these historic artifacts and wants to encourage the public, who feel they may have historic artifacts, to bring them forward.

B. BOROUGH CLERK

1) STATUS REPORT RE 2009 APPOINTMENTS/ REPORT RE PREPARATIONS FOR 2010 APPOINTMENTS – Borough Clerk advised that regarding 2009 Appointments we are as current as possible and we understand that the items continued on the Agenda will be carried over to 2010. She explained that Arlene prepared the appointments for 2010 which we reviewed; and this evening she has ready for distribution the appointment list. It took a long time but it is finally getting out for distribution. We did receive input from most of the Borough Boards and Commissions. The only outstanding ones at this time are Recreation

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Commission – no response; Construction Official – informed me he will review with me on Friday; Shade Tree Commission – scheduled to have meeting on 12/14/09 and they anticipate having recommendations, which when received will be forwarded to everyone.

2) STATUS REPORT RE 2009 OATHS OF OFFICE – We have four outstanding Oaths of Office. At this point in time she is not sure if they match up with Financial Disclosure Statements; we are trying to play catch up and hope to be able to finish by the end of the year.

3) STATUS REPORT RE 2009 LICENSES/ REPORT RE 2010 LICENSES – Ms. Castano reported that as far as 2009 licenses are concerned, we are current. We received almost all of the 2010 license applications back; found out that the former Golden Pearl Jewelers is now LeCristal; they have a big sign in their window that they buy gold; and since they require a license, we sent them a letter requesting the \$30.00 fee for the 2010 year. Harvest Restaurant was sent another reminder for Live Entertainment.

STATUS REPORT RE 2009 MEETING DATES/ REPORT RE 2010 MEETING DATES – Borough Clerk reported that we are current on 2009 meeting dates; and as far as 2010 dates, we have received from all Boards and Commissions with the exception of the Recreation Commission.

4) STATUS REPORT RE CODIFICATION OF SUPPLEMENT NO. 16 – Ms. Castano advised this was finally on its way; and thanked Mr. Wiest for his assistance with the Purchase Order.

6) STATUS REPORT RE QUALIFICATIONS FOR PROFESSIONAL CONTRACT POSITIONS IN THE BOROUGH OF CLOSTER, COUNTY OF BERGEN – The opening is scheduled to be held 12/15/09 @ 10:30 A.M. (Authorized RM 11/23/09) and a separate date will be scheduled for the one approved earlier this evening. That will have to be another date, hopefully, just before the end of the year.

7) REPORT - Ms. Castano reported on the following matters:

a. PARIS GRANT – Ms. Castano advised she received an e-mail on 12/8/09 from Christina Napolitano requesting proof of certification of the imaging system, which we do not have. The e-mail also stated that if not received, or no such certification was available, it would jeopardize the Borough of Closter's Paris Grant Funding. She advised she spoke to Mr. Wiest about it and he asked that she provide him a copy. She did so and copied the Borough Attorney, and hopes that perhaps in Closed Session it could be further discussed.

b. Local Finance Notice 2009-24 – Borough Clerk reminded that his law took effect in October and she is fully aware it needs to be solidified before the end of the year as it affects Oaths of Office for 2010. The Clerk's office has always set up a record of appointments, but at this point, trying to follow all of the rules and regulations, some guidance is required. Ms. Castano explained she can provide what we will be doing for approval by the governing body and Borough Attorney, hopefully, at the next meeting, as we are trying to get the paperwork together before the new year.

c. Ms. Castano informed having received a phone call from the former Construction Official asking that we correct the Minutes that had been provided because there was a certain word in the Minutes which others used that were damaging and untrue. She explained to him that there is nothing we do as far as going back and correcting the opinions people voiced in Minutes; the public has the right to be heard which is their First Amendment right. We make our Minutes reasonably comprehensive so that anyone who did not attend would be able to follow what went on. He thanked her and that was the end of the conversation.

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C. CHIEF OF POLICE

1) REPORT – In the absence of the Chief of Police, Councilman Glidden advised there would be no report; and the Chief would provide a report at the next meeting as he was unable to make it this evening.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:

a. GRANTS FILED

Mayor Heymann advised that there are a few grants that have been filed at this time:

- 1) Historic Preservation Commission Grant for \$2,000 for the proposed anniversary celebration
- 2) CDBG in the amount of \$50,000 for Curb Cuts
- 3) Shade Tree Grant for business stimulus in the amount of \$11,200
- 4) DEP Greenhouse grant reduction pre-application

b. GRANTS AWARDED

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED?- ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE (8.M.L.7/26/07) – No report.
2. BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04) (~~\$190,000.00~~ \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05) – No report.
3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05 - \$6,500/Match \$2,800 – No report.
4. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08) – No report.
5. CERTIFIED LOCAL GOVERNMENT GRANT OF \$20,000 FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09) – No report.
6. COMMUNITY DEVELOPMENT BLOCK GRANT - \$7,000.00 Grant for Senior Center Security System (7. M.L. 6/4/09) RM 10/28/09 - alarm repairs, window replacement, roof support columns and sidewalk improvements – No report.
7. Safe Routes to School Grant, as reported by Borough Engineer, is to be added as Item No. 7.

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c. GRANTS TO BE FILED

1) OID Grant for 2010 – This is a \$10,000 Grant for the Recreation Commission Challenge Routine which are for young people with special needs. A \$2,000 matching grant which is provided by services organization – The Closter Elks Club provided \$1,000 and the Lions Club and Rotary Club each provided \$500. The grant itself is \$8,000.

2) REPORT – Mayor Heymann advised the above items concluded her report.

5. OLD BUSINESS

No one wished to be heard.

6. NEW BUSINESS

No one wished to be heard.

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

8. OPEN MEETING TO THE PUBLIC

Council-Elect Arthur Dolson referred to the Borough Administrator's report on the County calculations. He noted that the calculations are referred to as the County Real Estate Equalization Factor. Mr. Wiest clarified that colloquially it is referred to as the "ratio". If you look at our ratio now that the County is using, it shows that our assessed at true value is at the 90-92% range. According to Ms. Mattiace, if you take the ratio based upon which, and since it is below 100%, it is causing them to gross up our value a certain level which may cause us to pay a higher amount. Speaking with Ms. Mattiace, she indicates that the ratio simply based upon the activity from January to June of this year is much closer to 100% so we would make out better. Mr. Dolson expressed his confusion that in Mr. Wiest's narrative he explained they used a number prior to the current revaluation; that number was higher than the current valuation; therefore, the appraised value would be higher. Why would the number be below 100% if the appraised value is higher than the market value in the first place. Mr. Wiest expressed that he cannot explain that; but he stated what he understood from what Angela Mattiace had explained to him so he will speak to her. He pointed out that when we revalued, some properties went up and some went down. Commercials went up and residential went down, but the total overall went down.

Hugh Johnson, 107 Demarest Avenue, advised he has a couple extra bars of soap if they need any extra inventory. He saw that Councilwoman Amitai was enamored by his donation. He would be remiss in not encouraging other people to do the same regarding the clock.

Mr. Johnson continued and addressed the Borough Engineer regarding Orange & Rockland utilities, he has called the past couple of months because there has been entrance sign on Borough property from the Schraalenburgh Road entrance to Demaree Farm. He questioned if the Borough could do anything or was it up to Orange & Rockland. Mr. DeNicola responded that



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it was a question of whether the sign violated any Borough policy, and if it doesn't, there is nothing they can do about that. He advised he will speak with Lenny (Sinowitz, Zoning Official) tomorrow.

Mayor Heymann noted she was glad Mr. Johnson mentioned lights since it gives her the opportunity to mention to everyone that this past week, Rockland Electric made the switch on three light poles on Vervalen that are closest to Borough Hall to LED lights. As a comparison test, she has mentioned before, if you look at those three lights, though they draw much less electricity, they are very bright lights compared to those toward the back of the street. Mayor Heymann clarified they were the three poles opposite Closter Plaza and the Bank of America. The rest of the street remains unchanged. She added that you will see the difference in color and intensity. Ms. Amitai asked for clarification of the monitoring period; and the Mayor advised six months. We will get the savings credit on the six months. Councilman Kashwick noted it looks like Haworth has a lot of these lights and wanted to know how they got so many. Mayor Heymann clarified that Rockland Electric is experimenting and they are trying to put different things in different places and it will be their doing, not ours.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
10. ADJOURNMENT

Mayor Heymann adjourned the Work Session at 9:20 p.m.

Provided to the Mayor and Council  
on December 17, 2009 for approval  
at the Regular Meeting to be held  
Monday, December 21, 2009.

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held December 21, 2009  
Consent Agenda Item No. 16b.