

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MONDAY, NOVEMBER 22, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Monday, November 22, 2010. Mayor Heymann called the meeting to order 8:35 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to the Press Journal and The Record and published in both newspapers on January 7, 2010, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,
Arthur Dolson and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian

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

The following Ordinances were introduced at the Regular Meeting held 10/13/10 and were published in The Record on 11/8/10 as stated in the printer's affidavit of publication. Reprints of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

a. BOND ORDINANCE NO. 2010:1082, "ORDINANCE REAPPROPRIATING \$17,199.65 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES TO PROVIDE FOR EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN NEW JERSEY"

Mayor Heymann declared a public hearing and asked whether anyone wished to speak for or against this ordinance. No one wishing to be heard, Mayor Heymann closed the public hearing and asked for a motion.

Motion to adopt Ordinance No. 2010:1082 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

b. ORDINANCE NO. 2010:1083, "AN ORDINANCE TO DETERMINE THE RATE, AMOUNT, SALARIES, WAGES, COMPENSATION, AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER FOR THE YEARS 2010, OR AS OTHERWISE NOTED" (OFFICE OR POSITION: BUILDING MAINTENANCE/ROAD DEPARTMENT, ADMINISTRATIVE SECRETARY, DEPUTY MUNICIPAL COURT ADMINISTRATOR, BUILDING SUBCODE OFFICIAL)

Mayor Heymann declared a public hearing and asked whether anyone wished to speak for or against this ordinance. No one wishing to be heard, Mayor Heymann closed the public hearing and asked for a motion.

Motion to adopt Ordinance No. 2010:1083 was made by Councilman Kashwick,

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seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 6, 9, 16, 17, 18, 19, and 20 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

6. ~~_____~~ BILL RESOLUTION – NOVEMBER 15, 2010 (Adjourned from RM 11/8/10)
TO BE PREPARED BY DEPUTY TREASURER

7. BILL RESOLUTION – NOVEMBER 30, 2010
TO BE PREPARED BY DEPUTY TREASURER

8. TRANSFER RESOLUTION NO. 1 (Requested by Administrator 11/3/10/Adjourned from RM 11/8/10) - TO BE PREPARED BY TREASURER/CFO

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

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/10
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/10
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/10
PERMANENT CLERICAL FLOATER	_____	1 Year	12/31/10
POLICE MATRON	_____	1 Year	12/31/10

10. RESOLUTION RATIFYING ISSUANCE OF CHECK BY THE TREASURER IN THE AMOUNT OF \$78,034.59 PAYABLE TO U.S. BANK – CUST/SASS MUNI V DTR LLC FOR THE REDEMPTION OF TAX SALE CERTIFICATE #08-00007 RE 2007 DELINQUENT TAXES FOR BLOCK 2102, LOT 5, 49 WILSON PLACE (Adjourned from RM 11/8/10) (Received from Borough Attorney 11/12/10)

11. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a AS FOLLOWS:
Commodity/Service: Protective Clothing and Equipment; Vendor: – AAA Emergency Supply; State Contract #: A76370; Max. Amt.: \$1,207.44; Commodity/Service: Park Equipment and Parts; Vendor: – Ben Shaffer & Asso, Inc.; State Contract #: A59054; Max. Amt.: \$6,085.20; Radio Communication Equipment; Regional Communication Inc; State Contract # A53764; Max Amt: \$5,926; State Contract # A53804; Max Amt: \$24,563.50
(Received from Administrator 11/12/10)

12. RESOLUTION AUTHORIZING SIDEWALK AND PARKING LOT ACCESS FOR GROUND WATER INVESTIGATION BY BRENNAN ENVIRONMENTAL, INC. (BEI) WITH RESPECT TO 222 CLOSTER DOCK ROAD (3b. M.L. 10/28/10) (Received from Administrator 11/15/10)

13. RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDING CONTRACTS FOR CERTAIN CONTRACTS AWARDED IN THE BOROUGH OF CLOSTER FOR THE FOLLOWING POSITIONS: BOROUGH ATTORNEY, BOROUGH BOND ATTORNEY, BOROUGH APPRAISER – COMMERCIAL PROPERTIES, BOROUGH PUBLIC DEFENDER, BOROUGH PROSECUTOR, BOROUGH ALTERNATE PROSECUTOR, ATTORNEY TO THE PLANNING BOARD, ATTORNEY TO THE ZONING BOARD OF ADJUSTMENT, BOROUGH AUDITOR, BOROUGH ENGINEER - INCLUDING PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT; RISK MANAGER, BOROUGH PLANNER, DULY LICENSED PERSONNEL TO CARRY OUT

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THE FOLLOWING PUBLIC HEALTH ACTIVITIES (a) PUBLIC HEALTH ADMINISTRATION: HEALTH OFFICER, ELECTRONIC INFORMATION NOTIFICATION (LINCS) HEALTH EDUCATION (b) ENVIRONMENTAL HEALTH SERVICES – REGISTERED ENVIRONMENTAL HEALTH SPECIALITY (16 Hours per week) – ALL SERVICES IN a&b SHALL MEET “PUBLIC HEALTH STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY” (Received from Borough Attorney 11/16/10)

- 14. RESOLUTION APPROVING ISSUANCE OF 2010 CERTIFICATES OF COMPLIANCE TO JOHN PETERS PROFESSIONAL LIMOUSINES, 231 HERBERT AVENUE, CLOSTER, NJ, FOR TWO (2) NAMED VEHICLES IN ACCORDANCE WITH N.J.S.A. 48:16-17; EXPIRATION: 12/31/2010 (Appropriate fees paid/Approvals received 11/18/10 from Risk Management Consultant and 11/19/10 from Borough Attorney)
- 14a. RESOLUTION SUPPORTING TAX CREDITS FOR HISTORIC BUILDINGS (Received from Mayor @7:30 p.m. 11/22/10)

MOTIONS

- 15. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 11/18/10) ABSTENTION: BARAD:
 - a. REGULAR MEETING OF NOVEMBER 8, 2010
 - b. WORK SESSION OF NOVEMBER 8, 2010
- 16. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10; 1/27/10; 2/10/10; 2/24/10; 3/10/10; 3/24/10; 4/14/10; 4/28/10; 5/12/10; 5/26/10; 6/9/10; 6/23/10; 7/14/10; 7/28/10; 8/11/10; 8/25/10; 9/7/10; 9/22/10; 10/13/10; 10/27/10; 11/8/10:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
SHADE TREE COMMISSION Member (Ryan) (3. M.L. 3/11/10) <i> Mayoral Appointment</i>	_____	5 Year un- expired to	12/31/11

- 17. MOTION APPOINTING _____ TO SERVE AS MEMBER OF THE BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (ARCHER) TO 12/31/2013 (6. M.L. 7/15/10) (Adjourned from RM 7/28/10; 8/11/10; 8/25/10; 9/7/10; 9/22/10; 10/13/10; 10/27/10; 11/8/10)

- 18. MOTION APPOINTING _____ TO SERVE AS MEMBER OF THE CLOSTER IMPROVEMENT COMMISSION FOR AN UNEXPIRED 2-YEAR TERM (MATTES) TO 12/31/2011 (1. M.L. 9/16/10) Adjourned from RM 10/13/10; 10/27/10; 11/8/10

- 19. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING *NON- SALARIED* APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON 1/4/10 (Which have not been accepted as of the time of preparation of this Agenda):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION Member	_____	2 Year un- expired to	12/31/10
*SHADE TREE COMMISSION Alternate No. 2	_____	4 Year un- expired to	12/31/11
<i>*Mayoral Appointment</i>			

- 20. MOTION APPOINTING _____ TO SERVE AS ALT. NO. 1 MEMBER OF THE CLOSTER IMPROVEMENT COMMISSION FOR AN UNEXPIRED 2-YEAR TERM (PEREIRA) TO 12/31/11 (7. M.L. 10/21/10) Adjourned from RM 10/27/10; 11/8/10

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21. MOTION APPROVING RAFFLES APPLICATION FOR B.P.O.E. #2304 CLOSTER LODGE TO CONDUCT ON-PREMISE 50/50 CASH RAFFLE ON SATURDAY, 1/22/11, AT 148 RAILROAD AVENUE, FROM 7:00 P.M. TO 11:00 P.M. (Completed application filed and appropriate fees paid 11/5/10)
22. GRANTING APPROVAL FOR THE CHANUKAH CEREMONY COMMITTEE TO CONDUCT CHANUKAH CEREMONY IN FRONT OF, AND ADJACENT TO THE CLOSTER SENIOR CITIZENS CENTER ON TUESDAY, 12/1/10, AT 7:00 P.M.; AND TO ERECT A DISPLAY MENORAH IN THE AREA DESIGNATED BY THE BOROUGH IN FRONT OF BOROUGH HALL FROM 12/1/10 TO 12/9/10, SUBJECT TO THE COORDINATION OF A COMPLETE HOLIDAY DISPLAY (5. M.L. 11/4/10/Approval received from Risk Management Consultant 11/15/10)
23. ACCEPTANCE OF THE FOLLOWING REPORTS:
 - a. CHIEF OF POLICE – OCTOBER 2010 (Received 11/12/10)
 - b. CONSTRUCTION OFFICIAL – OCTOBER 2010 (Received 11/15/10)
- 5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA
24. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)
(Subject to 5-minute limit per By-Laws General Rule No. 10)

Councilman Barad referred to the Opinion by the Judge relative to Whole Foods and expressed his disappointment. Borough Attorney said that specifics of the Planning Board case that was overturned could not be discussed. Councilman Barad said that the tone of the opinion suggested that the Judge was not aware of the overall support by the community of this project. Mayor Heymann said she would be requesting a Closed Session on the Whole Foods project and Closter Plaza under potential litigation.

In answer to Kurt Haiman, Borough Attorney advised that there are two cases pending: one involving the actual Planning Board approval, which the Court has said that the Planning Board did not have jurisdiction; and, therefore, the approval was overturned; the second case involves a challenge to the Borough's Ordinance, which would be heard November 30th. The overturned case would require a re-filing of the application by Closter Plaza to go forward with the development. Councilman Glidden referred to the financial problems facing the developer and Mayor Heymann said that the Borough cannot pay the developer's debts but the Borough could condemn the property; and the Borough's position in the matter would be discussed in Closed Session. She said that Whole Foods is not likely to pull out since their lease is with the owner of Closter Plaza not the developer. Councilwoman Latner said there is a lot of town support for the project.

25. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY

- 25a. At this time, Mayor Heymann asked for a motion approving the following Resolution (to be prepared by the Borough Attorney):

RESOLUTION AUTHORIZING THE FILING OF A PETITION PURSUANT TO CHAPTER 85, "BUILDINGS, UNFIT" Section 5, "Filing of petition..." OF THE CODE OF THE BOROUGH OF CLOSTER TO REQUEST A HEARING FOR DEMOLITION OF 131 WEST STREET

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

Motion approving the following Closed Session Resolution at 9:09 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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- 25b. 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) (5), “A matter involving the expenditure of public funds for the acquisition of real property”; 10:4-012(b)(7) “Pending or anticipated litigation or contract negotiations and N.J.S.A. 10:4-12(b)(8), “A matter involving public employees”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 6-8 weeks.

Mayor Heymann resumed the Regular Meeting at 10:00 p.m.

26. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:00 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
December 2, 2010 for approval at the
Regular Meeting to be held
December 8, 2010

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 8, 2010
Consent Agenda Item No. 15a.

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BOROUGH OF CLOSTER

WORK SESSION NOTES – MONDAY, NOVEMBER 22, 2010 - 7:30 P.M.

The Mayor and Council held a Work Session at Borough Hall on Monday, November 22, 2010. 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. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to the Press Journal and The Record and published in both newspapers on January 7, 2010, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Alissa Latner, John Kashwick, David Barad,
Arthur Dolson and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian

At this time, Mayor Heymann expressed her gratitude to the Emmaus Mission Church for their annual gift (of Fuji apples) to the Borough staff for Thanksgiving.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF NOVEMBER 11, 2010 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed by the following individuals: Item No. 6 was removed by Borough Clerk; Item No. 3 was removed by Steve Isaacson.

Item No. 6: Received 11/09/10 Hand del'd, dated No Date from Nick D'Amico, Jr., Friends of the Creche re Request for permission to place Nativity Creche in front of Borough Hall during the week of December 5, 2010; to be removed prior to January 4, 2011 (Copy to Glenn Parsells, Chief Berrian)

The Borough Clerk explained that she had contacted the Risk Management Consultant and was advised that a Certificate of Insurance and Hold Harmless Agreement were required for this request. If they are too small a group, they could waive the requirement for the Certificate of Insurance; but there is a need for the Hold Harmless Agreement. Mayor Heymann questioned if the Borough Clerk had contacted Leslie (Weatherly) to inform her so she could follow up; the Borough Clerk responded that she notified the Borough Administrator, who handles insurance. Mayor Heymann explained that they are just a group of Borough residents so they are probably a small group and the Hold Harmless is something they can sign off on; Mr. Wiest affirmed he would follow up on same. Councilman Barad questioned who would sign the

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Hold Harmless Agreement on behalf of the Creche; the Mayor suggested that if he wanted all of the individuals to sign, they could do so; but that he should speak to Quentin (Wiest) as he will be following up on this. Mr. Wiest suggested it was a matter for the Risk Management Consultant.

Mayor Heymann informed that she had requested Billy Dahle (DPW Supt.) to resurrect Frosty the Snowman, which is apparently somewhere in the building, so that he could follow through on the Court's decisions on this subject which indicate we need to have a mélange of holiday provisions. She reminded all that she had sent them a League of Municipalities dictum on same. Councilman Barad informed that he and Councilman Kashwick had a suggestion with regard to this and other topics and explained as follows:

This comes up each year; and in the past, we've had conversations about First Amendment rights, which is separation of church and State. They thought perhaps one way of resolving this would be to designate an area in front of Borough Hall, or anywhere else the Council chose; they are suggesting in front of Borough Hall as a public place for display of philosophical ideas on an ongoing basis. If it's whatever somebody wants to display something for; if they did the appropriate insurance arrangements, they would have the right to do that. At the same time, we would make it clear that a display of something there has nothing to do with the municipality or any specific endorsement of any specific idea. The criteria to which these displays would have to be held would be that they're not offensive and they meet normal public expectations for public discourse, but appropriate things could appear.

Mayor Heymann questioned if they were suggesting extending the privilege they give in December, to all groups all year round. Dr. Barad explained that in his mind, the issue of separation of church and State in this instance does not show preference to anything; he thinks the spirit of the Court's ruling on this is that there shouldn't be a preference. He thinks opening up to this are they call Philosopher's Park is a place where people can express their ideas or celebrate their ideas if they care to; it would be an open forum for them to do so. Mayor Heymann requested that he draft something they could post on the website and Dr. Barad suggested that Mr. Kashwick could probably do so. The Mayor informed that if they brought something to the next meeting that could be approved, it could be placed on the website; Dr. Barad suggested they could at least discuss it. He informed that he and Councilman Kashwick would work on it.

Item No. 3: Received 11/08/10, dated 11/04/10 from Bahram Farzaneh, P.E., P.P. Sr. Engineer, French & Parrello Associates, P.A. to Closter Borough Clerk re Public Notice of application for flood hazard area permit to the State of NJ DEP for property located at 200 Old Hook Road, Block 1601, Lot 1; 3 copies of application enclosed; comments requested in writing within 15 calendar days of receipt of this letter - 11/23/10 (Original also to Construction Official, Borough Engineer on 11/9/10)

Steve Isaacson, 97 Columbus Avenue, questioned what this item pertained to and the Borough Engineer informed his understanding is that it is regarding a cell tower in Harrington Park on United Water property. He affirmed that we were copied on the letter as 200 foot property owners; and it was totally contained in Harrington Park.

b. MAIL LIST OF NOVEMBER 18, 2010 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No one wished to remove any items for discussion.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of November 22, 2010)

Mayor Heymann asked if any member of the Council or public wished to discuss any items on the Consent Agenda and invited comments at this time. The following items were removed by the following individuals: Item Nos. 10 and 22 were removed by Councilman Kashwick. Item Nos. 8 and 11 were removed by Borough Administrator. Item No. 13 was removed by Mayor Heymann. Item No. 6 was

removed by the Borough Clerk.

RESOLUTIONS

6. BILL RESOLUTION – NOVEMBER 15, 2010 (Adjourned from RM 11/8/10)
TO BE PREPARED BY DEPUTY TREASURER

Borough Clerk advised of her understanding that only the Bill Resolution for November 30, 2010 would be needed.

8. TRANSFER RESOLUTION NO. 1 (Requested by Administrator 11/3/10/Adjourned from RM 11/8/10) - TO BE PREPARED BY TREASURER/CFO

Borough Administrator reminded the Council that during the month of November, the Borough is legally allowed to transfer monies between Budget accounts and the Resolution before the Council contains relatively minor transfers.

10. RESOLUTION RATIFYING ISSUANCE OF CHECK BY THE TREASURER IN THE AMOUNT OF \$78,034.59 PAYABLE TO U.S. BANK – CUST/SASS MUNI V DTR LLC FOR THE REDEMPTION OF TAX SALE CERTIFICATE #08-00007 RE 2007 DELINQUENT TAXES FOR BLOCK 2102, LOT 5, 49 WILSON PLACE (Adjourned from RM 11/8/10)
(Received from Borough Attorney 11/12/10)

Councilman Kashwick advised that he was satisfied with this Resolution that had been discussed at the last meeting.

11. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a AS FOLLOWS: Commodity/Service: Protective Clothing and Equipment; Vendor: – AAA Emergency Supply; State Contract #: A76370; Max. Amt.: \$1,207.44; Commodity/Service: Park Equipment and Parts; Vendor: – Ben Shaffer & Asso, Inc.; State Contract #: A59054; Max. Amt.: \$6,085.20; (Received from Administrator 11/12/10)

Borough Administrator advised that the Revised Resolution before them this evening adds several more State Contracts covering communications equipment that would be acquired for the Fire Department.

13. RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDING CONTRACTS FOR CERTAIN CONTRACTS AWARDED IN THE BOROUGH OF CLOSTER FOR THE FOLLOWING POSITIONS: BOROUGH ATTORNEY, BOROUGH BOND ATTORNEY, BOROUGH APPRAISER – COMMERCIAL PROPERTIES, BOROUGH PUBLIC DEFENDER, BOROUGH PROSECUTOR, BOROUGH ALTERNATE PROSECUTOR, ATTORNEY TO THE PLANNING BOARD, ATTORNEY TO THE ZONING BOARD OF ADJUSTMENT, BOROUGH AUDITOR, BOROUGH ENGINEER - INCLUDING PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT; RISK MANAGER, DULY LICENSED PERSONNEL TO CARRY OUT THE FOLLOWING PUBLIC HEALTH ACTIVITIES (a) PUBLIC HEALTH ADMINISTRATION: HEALTH OFFICER, ELECTRONIC INFORMATION NOTIFICATION (LINCS) HEALTH EDUCATION (b) ENVIRONMENTAL HEALTH SERVICES – REGISTERED ENVIRONMENTAL HEALTH SPECIALITY (16 Hours per week) – ALL SERVICES IN a&b SHALL MEET “PUBLIC HEALTH STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY” (Received from Borough Attorney 11/16/10)

Mayor Heymann advised that the Borough Planner should be added to the listing contained in the resolution.

22. GRANTING APPROVAL FOR THE CHANUKAH CEREMONY COMMITTEE TO CONDUCT CHANUKAH CEREMONY IN FRONT OF, AND ADJACENT TO THE CLOSTER SENIOR CITIZENS CENTER ON TUESDAY, 12/1/10, AT 7:00 P.M.; AND TO ERECT A DISPLAY MENORAH IN THE AREA DESIGNATED BY THE BOROUGH IN FRONT OF BOROUGH HALL FROM 12/1/10 TO 12/9/10 (5. M.L. 11/4/10) (Approval received from Risk Management Consultant 11/15/10)

In answer to Councilman Kashwick, Mayor Heymann said that the resolution can be approved but would not be implemented until all the holiday items are approved. Borough Attorney advised that he resolution should include the following wording, "SUBJECT TO A COMPLETE HOLIDAY DISPLAY".

6. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CLOSTER WEBSITE
- 2) REPORT – Councilman Dolson reported on the following:

a. At previous meetings he reported that the Board of Health was examining their section of the Code; and last week they introduced four ordinances to be approved at the next meeting in December. They relate to fees, pest control; licensing; and plan review by the Health Officer for all of these applications with the changeovers of the food stores and so on – and she is getting these to be approved; and just like the Zoning Board does, they are going to have a fee attached to that as well. Mr. Dolson explained that she spends a couple of hours on each set of plans and sometimes she gets revisions, so she is back to square one. They have been introduced and the public hearing will be at the December meeting.

b. The Ambulance Corps. had a standard meeting but he did want to report that the Line Officers keep very good track of all of the educational requirements of all the members. It is amazing to see all of the hours they have to take classroom instruction to provide these services to the residents of our communities; and in addition to their volunteerism, he feels their dedication is astonishing and a wonderful thing. Mr. Dolson voiced his opinion that we can't thank them enough for what they do for us because without them – they could be waiting half an hour or an hour for an ambulance like they do in New York City, which would be a shame.

c. The Zoning Board of Adjustment had their meeting last Monday because of the holiday change, and they had the third of the John Street applications. The applicant finalized their submission and there was a very unusual tact. Two Members of the Board suggested to the applicant that they did not think they could approve the application as it was filed; they then gave them recommendations how to alter it and advised them to come back and continue. He informed that no vote was taken – the applicant was simply told to make changes and remove things. He voiced his concern that they are doing more planning for the application than the applicant himself is doing and he finds that a bit odd. He suggested that perhaps he is not that well versed in zoning; but he would think that their interest is to represent the Borough, not the applicant.

Mayor Heymann voiced her opinion that there is a lot to be commented on regarding those three applicants on John Street. It has come to this Council, the approval of the Zoning Board, and the fact that in fact they usurped some of the rights of the Council in making that approval. She suggested it needs to be discussed further and Mr. Dolson concurred. He explained that he had some after-meeting discussions with some of the members and suggested to them that they were over stepping their bounds and rezoning the Borough one application at a time, and that was the purview of the Governing Body, not the Zoning Board; and they consider themselves adjustments and they are adjusting the (town). Borough Attorney suggested that this would be a good topic for the Joint Meeting. Mrs. Amitai voiced her opinion that you could see if from both sides how helpful that would be to the applicant. Mr. Rogan informed that we should look at it

6. COMMITTEE REPORTS (Continued)

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

objectively. Mayor Heymann voiced her opinion that it is not helping the applicants – that is not the issue. Mr. Dolson pointed out that it is one thing to let somebody build a patio or deck behind their house because their house is nonconforming having been built 40 years ago; but it is another thing to keep removing residential structures from the community and putting in commercial. He voiced his concern that we have a tremendously large portion of commercial applications. Mayor Heymann voiced her opinion that they (Zoning Board) essentially changed the zoning by giving approval to two consecutive properties the right to change the use of their properties completely; it's virtually changing the zoning.

d. Borough Website/Finance & Technology – Mr. Dolson informed he had a chance to have a brief visit with Arlene Corvelli (Assistant to Borough Clerk) and thanked her for her submission for the revisions for the Borough website and told her we would have our next committee meeting, which we haven't had, but mentioned it at the last meeting. He said they would like to get that implemented and assumes we need to turn that over to the webmaster to be the implementer. At the same time, we will review the progress of the year-to-date versus the budget finances. As Quentin Wiest just mentioned, we have one Transfer Resolution that is very modest; so the Budget is really on target this year. He voiced his opinion that it has been a tremendous success.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden informed that there is a need for a meeting of the full Interboro Radio as soon as possible; and perhaps the Borough Attorney is familiar with this issue. Mr. Rogan affirmed same and informed he met last Monday with the Borough Attorneys of all of the Interboro towns at his office. We discussed things and that was one of the things discussed; but, unfortunately, a lot of people were in Atlantic City last week, so we weren't able to schedule anything; but we're going to try to schedule something right after Thanksgiving. Hopefully next week there will be a meeting scheduled with all the Mayors and groups so we can move this along. He advised Mr. Glidden that he would follow up on it and report back to him.

Mr. Glidden was pleased to report that he was informed by Wayne Sabo, who is connected with Boy Scouts Troop 33, that this year we have four Scouts in Closter that have qualified for the rank of Eagle Scout. He voiced his opinion that it was amazing because we only have 20 kids in the Troop and this is the highest percentage of Eagle Scouts that we've had in 50 years in Closter. He informed he would circulate their names; and all concurred they received the letter. Dr. Barad suggested sending a letter as a group and Mr. Glidden agreed. Mrs. Latner informed that she had inquired if there was Council letterhead for the same purpose because it would be nice to have something official. Mr. Glidden informed he will draft a letter for everyone to review. Mayor Heymann voiced her opinion that customarily, in regards to letters, what threw her a little bit is that we have already honored these young men officially at the Council, so that the letter is sort of a gratuitous continuation of that. But they liked the idea of the letters; and she informed they will get the letters out. Mrs. Latner questioned when that was done and Mrs. Amitai informed it was at the last meeting; Mrs. Latner said she knows a few of them are away at college right now. Mrs. Amitai informed they were having a gathering at the VFW; Mrs. Latner agreed they were probably doing it when the kids are home from college (12/19/10) because they probably weren't able to be here then.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported that the Public Works Committee met on 11/3/10. She informed all that they will be meeting on the first Tuesday of month instead of Wednesday; and she will send an e-mail affirming same. There was discussion again reviewing and looking at the Transfer Station; the question was to think about a compromise of possibly revisiting that idea in terms of opening it once a month. In terms of Budget and what we are trying to do economically, we are not looking to do anything right now. As of then, Billy Dahle reported that leaf season is moving smoothly and getting everything in gear for the snow.

6. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

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1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad informed that that the Ordinance Committee did not meet this month; and JoAnn Riccardi reminded him they usually do not meet in November due to the short weeks. They will be meeting on 12/7/10 and will discuss Chapter 181 along with any suggestions that have come in regarding that.

- a. STATUS REPORT ON CHAPTER 181 (TREE PRESERVATION AND REMOVAL) REVISIONS RECEIVED FROM SHADE TREE AND ENVIRONMENTAL COMMISSION (Discussed/WS 7/28/10)
- b. STATUS REPORT RE CONSERVATION ZONE RECOMMENDATIONS TO THE PLANNING BOARD (Requested by Mayor/WS 8/25/10) - The

Conservation Zone recommendations are awaiting the appointment of another Planner so that we can get the recommendations of the Planning Board; therefore, the Ordinance Committee cannot act on that; and this can be removed from his Agenda. Mayor Heymann informed that she discussed with Mrs. Amitai that the Planning Board SubCommittee that deals with ordinances needs to meet and clarify exactly what kind of planning services they are looking for; and Dr. Barad agreed they need to do this properly.

2) REPORT – The Ordinance Committee is beginning to develop an ordinance regarding PODS and they will discuss same at the upcoming meeting. He reminded that as a part of the sustainable development initiative, they are still awaiting some response from the SubCommittee of the Mayor, Borough Attorney and Councilman Kashwick for guidance as to how to proceed.

Councilman Dolson informed that at the Zoning Board meeting he was asked about two recommendations they had submitted regarding fee adjustments and the other for engineering review and questioned the status. Dr. Barad informed that they are working out the details on same.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported that the HR Committee met 2 weeks ago regarding staffing at the DPW. Job Descriptions will be discussed at the next meeting to be held 12/3/10.

3) REPORT – Councilman Kashwick reported on the following:

- a. Shade Tree Commission – Regarding the Pollack Square grant, as the Mayor mentioned at the last meeting, we have fulfilled all of our obligations and passed inspection; and we should be getting our reimbursement in the next few weeks. The sidewalk repair on Trautwein Crescent on Borough property has been completed; we have some photos of the sidewalks showing how to mitigate sidewalk tree conflicts which are posted on the website. The Commission is reaching out to the Chamber of Commerce, who had sent a letter regarding some of the pear trees downtown obstructing some of the signs. The next round of pruning they will do some sort of elevation of the branches to make the signs more clearly visible and they are drafting a letter to send back to the Chamber.

- b. Historic Preservation Commission is meeting this evening, therefore, he has no report.

- c. Environmental Commission provided the Borough Clerk with Meeting Dates for 2011. Regarding the recycling containers he spoke about at the last meeting, after further review, actually going and visiting the containers in some of the towns, the Commission doesn't think they are appropriate for Closter; they are loud and obtrusive, so he does not know how much further that issue will go. A few members of the Commission met Saturday morning to discuss the placement of the Hagen Park sign which is going to be on the corner of Tenakill Street and Durie Avenue. Beth Ravit has reached out to Bill Dahle about getting in touch with the utilities to mark out where the utilities are in that location. At the next meeting he would like to introduce a Resolution rededicating the park so they can have a formal unveiling of the sign at some point and honor Olaf and Ingeborg Hagen. Regarding the MacBain Farm agreement, he reminded the Mayor wanted to hold up the agreement because of the debris at the DPW and questioned the status. Mr. Rogan responded that it's getting redrafted for that but he hasn't heard back yet. Regarding the trails, we have a number of sections that are on roads where there is really no place to put blazes, so we are in discussions with Billy Dahle about possibly painting the blazes on the curbs to guide people that it is the

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

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continuation of the trail. It is not definite we are doing anything yet, we still have to meet with him and decide what is the best way to go.

Steve Isaacson, 97 Columbus Avenue (Member of the Environmental Commission), questioned if they could paint trail blazes on the sidewalks. He referred to the trail entrance in the back parking lot of the A&P, and asked if they had permission from the A&P could they possibly use a stencil. Mayor Heymann informed him as a member of the Environmental Commission, they are discussing that already so they can come with the appropriate recommendation to the Council. Mr. Isaacson clarified that he was only asking in regards to any kind of prohibition regarding painting on sidewalks. Mayor Heymann responded that he can paint his house number on the sidewalk; and Mr. Isaacson thanked the Mayor.

F. PRIVATE CONSTRUCTION, LAND USE, ZONING ENFORCEMENT & NEW BUILDINGS – AMITAI (BARAD/DOLSON)

- 1) REPORT – Councilwoman Amitai reported on the following:
 - a. The lights will be put up within a week – between 11/29 and 12/1; and they will be in touch with Billy Dahle as they get closer to the date.
 - b. The Improvement Commission has not met since her last report, but they will be meeting tomorrow night.
 - c. PODS – In a discussion with Mr. (Jim) Whitney, (Property Maintenance Officer) at the Building Department, he doesn't seem to see a problem in the Borough in that the PODS seems to be coming up and going, but not staying very long, which is a good thing. He has from Mr. (Mike) Sartori, (Construction Official) an ordinance from another town regarding PODS which, if Dr. Barad does not have it, she will forward it to him.
 - d. The Building Department did not meet this month.

7. OLD BUSINESS

8. NEW BUSINESS

- a. DISCUSSION RE POSSIBLE DEMOLITION AT 131 WEST STREET
(Requested by Administrator 11/12/10) – Borough Administrator advised that this property has been in a state of disrepair for quite a long time. Jim Whitney, Property Maintenance Officer, provided the background of the property, which in 2007 was scheduled to be sold by the owner and demolished. The Fire Department conducted a drill at the house during that time, but the house was not demolished. The house is in foreclosure and there have been numerous neighborhood complaints about the condition of the property. He provided pictures of the house and noted the grass is cut only twice a year. He recommended that the Council explore the possibility of tearing the house down. Borough Attorney advised that Section 85-5 of the Borough Code provides the procedure to demolish the house if it is deemed to be dangerous or a health hazard. This would require notice by registered mail to the owner and bank and a hearing with an opportunity for the owner and bank to be heard. The cost would be a lien on the property.

Mary Morgan, 10 English Street, Bergenfield said that she is the Executor of her mother's estate at 15 Wellington Avenue and that she has had the house on the market since September. She said the property at 131 West Street is an eyesore; and because of its condition, her property sold at a much reduced price.

9. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) (SUBJECT TO A 5-MINUTE LIMIT PER GENERAL RULE NUMBER 10) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Steve Isaacson, 97 Columbus Avenue, referred to a letter dated 2009 from the DEP regarding the Wiggers property acting as a solid waste facility and questioned why this matter was never discussed nor

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has the Environmental Commission heard of this matter. Mayor Heymann said that this matter was discussed at the time of the letter and we had encouraged the DEP to implement a fine. She said the DEP noted that Denny Wiggers was using the property beyond the scope of his permit. Jim Whitney noted that he will be in court tomorrow night relative to the dirt pile. He said that Mr. Wiggers has started to remove the dirt pile and advised him several weeks ago that he has obtained another location. Mr. Isaacson noted that one of the prescribed remediations was for Wiggers Landscaping to apply for a Class B recycling permit, which would create a third recycling area in the Borough.

Mr. Isaacson referred to the new snack stand at Ruckman Park and questioned who would be operating the facility, the hours and the funding of same. Mayor Heymann said that the Recreation Commission would initially address this matter. Borough Administrator said there is no lease for the stand at this time and other options have been tried by the Commission. There has been discussion on the limitation of the types of items sold but the best form of operation must be considered. Councilman Glidden said the operation has been discussed with the Commission; and the operation at Memorial Field is conducted only during an event. Mr. Isaacson said that the school PTO should be contacted to discuss operating the stand as a lunch facility. Councilwoman Latner expressed support for discussion between the PTO and the Recreation Commission but also cited the need for a Crossing Guard during the hours of operation.

Kurt Haiman, Belskie Museum President, asked for governing body participation in the Museum openings. He cited the number of stores that are empty in the Borough and recommended that a public relations campaign be conducted. He felt that more information should be forthcoming to the residents and be done with a positive spin. Mayor Heymann expressed support for a brochure describing Closter and its benefits. It was suggested that the e-mail addresses be included in the Belskie Museum opening notifications. Mayor Heymann said that the Belskie Museum has been designated by State Tourism as the only real museum in Bergen County.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
11. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
12. ADJOURNMENT

Motion to adjourn the Work Session at 8:37 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on December 2, 2010 for approval
at the Regular Meeting to be held
December 8, 2010.

Loretta Castano, RMC
Borough Clerk

Prepared by Arlene Corvelli and
Carol Kroepke, RMC, utilizing recording
and Borough Clerk's notes

Approved at the Regular Meeting held December 8, 2010
Consent Agenda Item No. 15b.