

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MONDAY, SEPTEMBER 24, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:40 p.m.

1. 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 Record and published on January 6, 2012 and to the Star Ledger and published on January 7, 2012, was 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.

2. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad
and Arthur Dolson
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick De Nicola
Chief of Police, Dennis Kaine
OEM Coordinator, Lt. James Winters

The following persons were absent:

Councilwoman Victoria Amitai

3. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE @8:00 P.M.
OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinances were introduced at the Regular Meeting held 8/22/12 and were published in The Record on 8/28/12 as stated in the affidavit of publication. Reprint 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. ORDINANCE NO. 2012:1130 "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY SECTION 173-27D, AS CORRECTED"

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion approving adoption of Ordinance No. 2012:1130 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 and Dolson.

b. ORDINANCE NO. 2012:1131 "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$55,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS"

Mayor Heymann declared a Public Hearing.

Steve Isaacson, 97 Columbus Avenue, questioned the use for the money and Mayor Heymann noted that it was for testing of the contamination at the property even though we do not own same. Mr. Isaacson noted that the title of the ordinance is not specific and the money is being used on property we do not own. Borough Administrator noted that the Borough is doing due diligence and is trying to determine the extent of the contamination and Mayor Heymann said that the first round of testing recommended that this additional testing be done. The Borough Administrator noted that an enabling resolution must be adopted authorizing a contract. Mr. Isaacson expressed his opposition to the ordinance as a member of the Environmental Commission who had an informal poll, which determined that most of the members oppose the

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ordinance. Mayor Heymann said that the property would be reverting to the Borough in any case and we need to have the facts before we go further. Mr. Isaacson said that the Swim Club should be responsible for the clean up of the property.

Jesse Rosenblum, 65 Knickerbocker Road, cited the other polluted properties in the Borough and he suggested that a portion of the Buzzoni property be used for a switch as was done with the Temple. Mayor Heymann said that the Buzzoni property is Green Acres and when the switch was made between the pistol range and the Temple there were no Green Acres restrictions that there are now. Borough Attorney said the Swim Club property is partially developed and swapping same with a virgin piece of property leaving two properties developed and this would discourage open space. Borough Engineer said that Green Acres would not agree to a swap for contaminated property but would probably be amenable after the property is cleaned up. Phase One of the testing was done was the result of Green Acres requirements.

Steve Isaacson, 97 Columbus Avenue, asked if the property being used by Ken's Tree Care could be swapped with the Swim Club property and Borough Engineer said that the Swim Club property would still have to be cleaned up.

Mayor Heymann closed the Public Hearing.

Motion approving adoption of Ordinance No. 2012:1131 was made by Councilman Dolson, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad and Dolson. Councilman Kashwick voted no.

4. PUBLIC HEARING @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD RE BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE AMOUNT OF \$326,300 TOWARDS A POTENTIAL \$435,000 RENOVATION/REHABILITATION PROJECT FOR THE EXTERIOR OF BOROUGH HALL (Requested by Administrator 9/19/12)

Mayor Heymann declared a Public Hearing.

Councilman Glidden questioned whether the scope of the project was only for the exterior of the Borough Hall; and Borough Administrator said that this phase of the project is for all the exterior sides of the building including the roof, concrete, work around the sides of the building and the brickwork. He said he is waiting for a final report but since the application deadline is 10/5/12, this needed to be addressed at this meeting. He said the Council would have an opportunity to review the plans thereafter. Councilman Kashwick asked about the replacement of the historic elements and Borough Administrator noted that the exterior doors must be ADA compliant but they will be historic period correct. The building would be restored to its post firehouse days. The second phase would be the inside of the building.

Mayor Heymann closed the Public Hearing.

Motion approving submission of the Bergen County Community Development Block Grant application was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

5. MAYORAL APPOINTMENT OF _____ TO SERVE AS MEMBER OF THE ENVIRONMENTAL COMMISSION FOR A 3-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/14 (3. M.L. 6/21/12 – Resigned effective 6/17/12)

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6. MAYORAL APPOINTMENTS (*NON SALARIED*) TO THE FOLLOWING COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12, 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12; 6/27/12; 7/11/12; 7/25/12; 8/8/12; 8/22/12; 9/12/12):

| <u>OFFICE</u> | <u>INCUMBENT</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|--------------------------|----------------------|------------------|----------------------|-------------------|
| ENVIRONMENTAL COMMISSION | | | | |
| Alt. No. 2 | (Adam Nock resigned) | _____ | 2 Year un-expired to | 12/31/12 |
| SHADE TREE COMMISSION | | | | |
| Alt. No. 2 | Kathi Cochran | _____ | 4 Year | 12/31/15 |

7a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 11, 15 and 16 was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson

ORDINANCES

8. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – 10/24/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1133, “AN ORDINANCE TO PROHIBIT SMOKING IN THE PUBLIC PARKS AND PARKLANDS WITHIN THE BOROUGH OF CLOSTER” (Received from Borough Attorney 9/18/12)

RESOLUTIONS

9. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$723.00 TO JAMES BYRNE FOR PROPERTY LOCATED AT BLOCK 403, LOT 11, 90 CEDAR COURT FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED (Received from Deputy Treasurer 9/12/12)
10. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN \$1253.59 TO APPLICANT, THE WOLF OF WALL STREET LLC, FOR SUCCESSFUL COMPLETION OF POLICE TRAFFIC DIRECTOR SERVICES IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 9/19/12)
- ~~11.~~ RESOLUTION AWARDED CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES IN CONJUNCTION WITH DESIGN AND PREPARATION OF SPECIFICATIONS FOR TWO PARK BATHROOM FACILITIES (MOLLICONE AND SCHAUBLE FIELD RESTROOMS), PER PROPOSAL DATED 9/18/12, TO JOSEPH A. CECCO, AIA, LLC IN AN AMOUNT NOT TO EXCEED \$6,300 (Received from Administrator/CFO 9/19/12) Adjourn to RM 10/10/12
12. RESOLUTION AMENDING CHANGE ORDER NO. 1 (IN THE AMOUNT OF \$36,795.90) REDUCING CONTRACT PRICE WITH MARINI BROTHERS CONSTRUCTION CO., INC. FOR 2009 SAFE ROUTES TO SCHOOL PROJECT (Original Contract amount: \$182,538.85; Amended Contract Price: \$145,742.95) (Received from Administrator 9/19/12)
13. *POSSIBLE* RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE AMOUNT OF \$326,300.00 FOR THE EXTERIOR ENVELOPE RESTORATION OF CLOSTER BOROUGH HALL (Received from Administrator 9/19/12)
14. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE 9/12/12 REGULAR MEETING TO SUPPORT THE NEW JERSEY LEAGUE OF MUNICIPALITIES AND BOROUGH OF HOPEWELL’S APPEAL OF TAX COURT DECISION IN VERIZON V. HOPEWELL AND AUTHORIZING THE CONTRIBUTION OF \$220.00 TO SUPPORT SAME (Received from Borough Attorney 9/13/12)

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MOTIONS

15. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12; 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12; 6/27/12; 7/11/12; 7/25/12; 8/8/12; 8/22/12;9/12/12):

| <u>OFFICE</u> | <u>INCUMBENT</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|---------------------------|------------------|------------------|-------------|-------------------|
| IMPROVEMENT COMMISSION | | | | |
| Member | Wilson Reimers | _____ | 2 Year | 12/31/13 |
| Alt. No. 1 | Donna Arbietman | _____ | 2 Year | 12/31/13 |

16. MOTION APPOINTING _____ AS BOARD OF HEALTH ALT. NO. 2 FOR A 2-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/13 (3. M.L. 6/21/12 – Resigned effective 6/17/12)

17. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:
 (Distributed via e-mail on 9/21/12) NO ABSTENTIONS

- a. REGULAR MEETING HELD 9/12/12
- b. WORK SESSION HELD 9/12/12

18. MOTION GRANTING APPROVAL FOR WAIVER OF FEES ASSOCIATED WITH BUILDING PERMIT SUB CODE APPLICATIONS IN THE AMOUNT OF \$25 FOR THE GENERAL CONTRACTOR REGISTRATIONS FEE AND \$125 FOR THE ZONING PERMIT APPLICATION FOR CLOSTER KINGDOM HALL OF JEHOVAH’S WITNESSES, 25 HARRINGTON AVENUE, BLOCK 707 LOT 3 (5. M.L. 9/20/12)

- 18a. MOTION GRANTING APPROVAL FOR THE CHAMBER OF COMMERCE TO GENTLY ATTACH SCARECROWS MADE OF HAY TO THE LAMPPOSTS IN THE DOWNTOWN AREA FROM 10/20/12 THROUGH 11/1/12 DURING THEIR EVENT ENTITLED “SCARECROW WALK OF FAME” , SUBJECT TO RECEIPT OF CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT (1 M.L. 9/13/12)

- 18b. MOTION GRANTING APPROVAL FOR ERICA DONUTS II TO POST TEMPORARY BANNERS AND ADVERSAIL FLAGS FOR THE DUNKIN DONUTS REOPENING TO BE HELD AT DUNKIN DONUTS, 278 CLOSTER DOCK ROAD, SUBJECT TO RECEIPT OF ANY MUNICIPAL ZONING OR CONSTRUCTION APPROVALS AS REQUIRED BY THE ZONING OFFICER OR CONSTRUCTION CODE OFFICIAL AND CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT (6. M.L. 9/13/12)

19. REPORTS
 (None received at the time of preparation of this Agenda)

At this time, Mayor Heymann asked if anyone wished to comment on the request for sidewalk waiver at 56 Whitney Street (discussed in the Work Session - 2 M.L. 9/20/12). Councilman Barad voiced his position that he would be ready to vote on this matter this evening. Councilman Kashwick voiced his understanding that the house closest to Mollicone Park on Whitney Street was already a tear-down; and a previous Council must have granted a waiver before the ordinance was created because there is no sidewalk. He voiced his opinion that it is unlikely that the house will be torn down again in the future. Mr. Kashwick expressed his position that he is in favor of granting this waiver because there will not be a contiguous sidewalk for years to come. Councilman Barad said he thinks that reasoning compounds the problem; and he agrees with Mr. Isaacson’s comments that children use that street to go to the park and the school and it’s heavily traveled and sidewalks are needed. Mayor Heymann invited comments from the audience.

Lt. James Winters voiced his agreement with Councilman Kashwick and noted that on that particular block there are no sidewalks on either side and on Eckerson Street. That part of Whitney Street is not heavily trafficked and knowing children, even if there were sidewalks, they would walk in the street.

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- 19a. MOTION GRANTING APPROVAL FOR WAIVER OF SIDEWALK REQUIREMENTS PURSUANT TO CLOSTER CODE CH. 171-29A(2) AT 56 WHITNEY STREET, BLOCK 908 LOT 3, SUBJECT TO PAYMENT TO THE BOROUGH’S SIDEWALK FUND IN THE AMOUNT OF \$4,000.00 - MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY FOR RM 10/10/12

Motion of approval was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick and Dolson. Councilman Barad voted no.

- 7b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

20. 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.11)

Mayor Heymann opened the meeting to the public. No one wishing to be heard Mayor Heymann closed the meeting to the public.

- 20a. Motion approving the following Closed Session Resolution and 9:04 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

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)(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 item under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations which should be within 12 weeks.

Mayor Heymann resumed the Regular Meeting at 10:04 p.m.

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

22. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:04 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on September 28, 2012 for
approval at the Regular Meeting to be
held October 10, 2012

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held October 10, 2012
Consent Agenda Item No. 25a.

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BOROUGH OF CLOSTER

WORK SESSION NOTES – MONDAY, SEPTEMBER 24, 2012 - 7:30 P.M.

The recording of this meeting did not begin until 7:45 p.m.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Monday, September 24, 2012. Mayor Heymann called the meeting to order at 7:30 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 Record and published on January 6, 2012 and to the Star Ledger and published on January 7, 2012, was 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, Jr., Alissa Latner, John Kashwick, David Barad
and Arthur Dolson
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
OEM Coordinator, Lt. James Winters

The following persons were absent:

Councilwoman Victoria Amitai

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF SEPTEMBER 13, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 4 was removed by Councilman Dolson.

Item No. 4: Received 09/10/12, dated 09/04/12 from David M. Watkins, Esq., to Loretta Castano re Notice of Zoning Board of Adjustment Hearings scheduled to be held 9/19/12, at 8:00 p.m. for the purpose of reviewing and taking action on the following applications: a. John Galdi, Block 1704, Lot 17, 343 Old Closter Dock Road for "use" variance for two family dwelling; b. Fiore

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Osso, Block 1301, Lot 22, 247 West Street for “use” variance for two family dwelling

Mr. Dolson explained that these two items had to be postponed. They are use violations which have been perpetuated. Nothing has to be done assuming the timetable has lapsed. Borough Attorney advised if it is excessive, the Board has the right to dismiss for failure to prosecute. Mr. Dolson explained that Paul Demarest has been asked to annotate different events, i.e. newspaper notice/tax payment/scheduled dates/postponements in order to have a running record.

Item No. 1: Received 09/06/12 Hand del’d, dated 09/06/12 from Katherine Friese, Event Planner, Closter Chamber of Commerce re Requesting permission to host a “Scarecrow Walk of Fame” from 10/20/12 through 11/1/12 by attaching scarecrows to the lampposts in the downtown area; to be discarded on 11/1/12 or 11/2/12 (Copy to Glenn Parsells, Chief Kaine)

Kathy Friese, 139 Alpine Drive, explained that the Chamber is requesting permission for this request. She explained that Chamber volunteers will be using nylon rope to gently install the scarecrows and they will be removed later by the DPW. The Borough Administrator and Borough Attorney advised that a Certificate of Insurance and Hold Harmless Agreement filled out by the President was required. Ms. Friese added that the approximate 30 scarecrows will be tastefully done with hay coming out/some may be outrageous characters. She was reassured that provisional approval would be taken during the Regular Meeting pending receipt of the required insurance documents.

b. MAIL LIST OF SEPTEMBER 20, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 4 was removed by Councilman Dolson; Item No. 9 was removed by the Borough Attorney; and Item No. 2 was removed by the Borough Clerk.

Item No. 4: Received 09/17/12, dated 09/11/12 from David M. Watkins, Esq., to Loretta Castano re Notice of Zoning Board of Adjustment Hearings scheduled to be held 9/26/12, at 8:00 p.m. for the purpose of reviewing and taking action on the following application: Fiore Osso, Block 1301, Lot 22, 247 West Street for “use” variance for two family dwelling (Change of date from Item No. 4b. M.L. 9/13/12)

Mr. Dolson noted they will not be holding their meeting.

He mentioned the following item which has been referred to the Ordinance and Legislative Committee:

Item No. 3: Received 09/14/12 Hand del’d, dated 09/14/12 from Rose Mitchell, Planning Board Clerk, Closter Planning Board, to Loretta Castano re Certified copy of Resolution memorialized at the Work Session Meeting held 9/5/12 re “Resolution of the Planning Board of the Borough of Closter Concerning Amendment to Chapter 141 of the Closter Code Regarding Outdoor Cafes”

Item No. 9: Received 09/20/12 Hand del’d, dated 09/19/12 from Joseph Bianco, AIA, APA, PP, Chairman, Zoning Board of Adjustment re Letter thanking the Mayor and Council for forwarding Ordinance No. 2012:1130 to the Zoning Board of Adjustment for consideration of proposed changes with attached memorandum from the Zoning Board of Adjustment Attorney outlining concerns with case law examples.

The recording of this meeting began at 7:45 p.m.

Mr. Rogan explained the only difference is whether it is 2,000 square feet or more; therefore, by not adopting the ordinance we are not going to correct the phrase they are concerned about. We are just going to not go forward with the long awaited change in terms of the 2,000 square feet. He voiced his opinion that the Council may want to consider still going forward with the public hearing; and if needed, the Ordinance Committee can look at the overall ordinance in the next few months and clean it up.

Councilman Dolson reminded he previously mentioned the New Jersey uses code and that's what the majority part of the letter is addressing. The Borough Attorney agreed the Council could do it if they felt so inclined and we could make reference without having to print the full list. Dr. Barad suggested to do otherwise would be a burden to the Ordinance Committee. The Borough Attorney explained as a practical matter that is what we have relied upon. He said the other part of the ordinance currently reads 1,999 square feet and that is what's used is they do refer to that; but he has no objection and he thinks it may be a good idea to make a specific reference to it because if in the future, for example, if there is a different Zoning Code Official, he thinks they should be able to get some direction from the ordinance itself. In answer to Mayor Heymann, he suggested for now putting the reference right into the affidavit, which can be accompanied and corrected administratively. The Borough Attorney affirmed ultimately the change could be made in the ordinance but for the interim period it can be addressed as a practical matter by using the affidavit. Councilman Dolson reminded the recommendation from the Planning Board was to reference the International Building Code New Jersey Edition. The Borough Attorney affirmed that change was made already along with all of the other changes from the Planning Board. Dr. Barad asked Councilman Dolson as the liaison to the Zoning Board to ask them to get their suggestions together earlier so that action can be taken earlier in the process. The Borough Attorney agreed it was frustrating to be getting back comments from both Boards at the last minute because we are on a time frame.

Item No. 2: Received 09/14/12, dated 09/13/12 from Robert Varakian, 56 Whitney Street re Request for Waiver of Sidewalk Requirements for property located at 56 Whitney Street, Block 908, Lot 3; photos attached (Copy to Construction Official)

The Borough Clerk explained this was a sidewalk waiver request and Mr. Varakian was at this meeting. Mayor Heymann invited Mr. Varakian to speak.

Robert Varakian, (owner of 56 Whitney Street), explained he applied for the waiver because there are no other sidewalks on the street. He noted they are installing the Belgian block curbing. Mayor Heymann questioned if he was aware that a monetary payment is required in the event the waiver is granted. In response to the Borough Engineer, Mr. Varakian explained there are three houses on his side of the street but two of his neighbors do not face Whitney Street; and his home is the double lot on the street (two 75' lots). Mr. Varakian's block is between Eckerson Avenue and Demarest Avenue.

The Borough Clerk passed around the original photos provided in the Mail List for all to see because the copies of the photos in the Mail List came out too dark to see. The Borough Engineer noted as a rule of thumb the Borough usually only grants waivers on dead end streets; however, the last request was denied on a dead end street, although it rarely happens. Dr. Barad explained that eventually houses turn over and there will be other people that come in; and they are trying to get sidewalks installed for the children in town to use. Mayor Heymann voiced her

opinion that regarding this application, and others similar to it, when we talk about not a feeder street or dead end street we take the money for the potential to build an equivalent amount of sidewalk where it is most needed. Her hope is that when there is enough turn over eventually they will have enough money for sidewalks everywhere. She said the intent is that for the time being the idea is to use the money to place sidewalks where they are most needed.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of Monday, September 24, 2012)

Mayor Heymann referred to the Consent Agenda Items and asked whether any member of the Council wished to discuss any item: Item Nos. 4 and 13 were removed by Councilman Dolson; Item No. 11 was removed by Mayor Heymann and Item No. 8 was removed by Sivert Hagen.

Councilman Dolson referred to the grant request to renovate the Borough Hall and noted that he has not seen any proposals. Mayor Heymann said that the subject had been discussed during the hiring of an architect (Oasis Architects) and the architect's report had been received and distributed to the Council. In answer to Councilman Kashwick, Borough Administrator said that Item No. 4 is a public hearing on the grant application and Item No. 13 is the resolution of endorsement that must accompany the application to Bergen County. He noted a memo was distributed with their packets explaining the reasoning behind the endorsement for the application along with the report from Clarke Caton Hintz regarding same.

Mayor Heymann said that she would be removing Item No. 11 because there is a possibility that the plans could be obtained at no cost to the Borough; and requested that the item be adjourned to the next meeting. She explained that the Borough had plans drawn by an architect for all three bathrooms; and when it was decided to potentially go with a kit, the plans were not used. She said that she has those plans and would review same with the Borough Engineer; and if they are usable, it will cost us nothing.

Councilman Glidden questioned why the Mayor reached out to an architect when a committee was appointed for the specific purpose of following through on the plans and recommendations. She said there is need for an architect. Councilman Glidden said that this subject was reviewed with the Borough Administrator, who would explain the conversations with the architect and what has been done. Borough Administrator explained that he had spoken with Mr. Cecco, the architect who had reported on a meeting with Councilman Dolson and a non-Council member regarding the bathrooms. Mr. Cecco requested a contract to design the bathrooms to be incorporated with the specifications that are being developed by the Borough Engineer. The contract would be a standard AIA contract document; and the cost would be based on a percentage not a flat rate. Councilman Glidden advised that Mr. Cecco had been recommended by former Councilman Tom Hennessey. Mayor Heymann said her impetus was to save money inasmuch as the plans have been drawn. Borough Engineer noted that the plans in question were drawn by Chris Pereira. Mayor Heymann said that the plans were the basis for the bathrooms at Ruckman Field done at the request of Jim Oettinger; and Councilman Dolson noted that the plans called for a vaulted ceiling with one side 16 feet high. In answer to Councilman Dolson, the Borough Engineer noted the whole idea of using kit buildings came from the Recreation Commission.

Councilman Kashwick noted that there should be two proposals to review; and he suggested that the matter be carried to the next meeting. Councilman Dolson noted that Mr. Hennessey has provided Mr. Cecco with the design specifications list and schematics of the Ruckman Road project; and his fee would be a percentage of an estimated \$140,000 construction cost and utilities up to 60 feet. Borough Administrator said he would obtain a copy of the plans for forwarding to Tom Hennessey.

Sivert Hagen, 72 Eckerson Avenue, referred to Item No. 8 and commented that more pressing items need to be addressed such as the lack of enforcement of the anti-idling law, which is violated by police officers and residents alike. He said if anti-smoking laws are enforced, then campfires should also be addressed. He felt idling of cars is much more detrimental than smoking in open spaces. Mayor Heymann said that we are having an active campaign on idling of cars at the schools.

Sal Rutigliano (no address provided) said there are no safe levels for second hand smoke and expressed support for the proposed law.

6. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson had no report regarding the web site.
- 2) REPORT – Councilman Dolson reported at the last meeting there was some discussion regarding the paperless packets. He informed he immediately contacted Kevin Whitney, our IT professional, regarding ambiguity or non-completion of the project; and asked him to contact the Administrator and the Borough Clerk to get it up to speed. He noted as of yet he has not received a response so he is not aware of any progress that has been made. The Borough Clerk reported we are making progress but the laptops are not ready yet; and Kevin informed her possibly for the first meeting in October. The Administrator explained that Kevin has to install the adobe software in the Clerk’s office and on his computer so they can begin to create pdf documents. Kevin said he will schedule time when the building is open to complete the project.

Councilman Dolson noted he already discussed the Zoning Board earlier in the meeting. He said they have scheduled three meetings in October to try to catch up. As he was out of town for a week, he has nothing further to report.

At this time, Mayor Heymann wished to follow up on a request Councilman Dolson made at the last meeting regarding the consistent requests for refunds of duplicate tax payments from CORE Logic. She informed they have been noticed by the Finance Department on numerous occasions and there is a dispute over this now. She just wanted to let them know this is being followed up on and CORE Logic is being brought to the table because it creates a lot of extra work for the Finance Department.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

- 1) REPORT – Councilman Glidden reported there was a Public Safety Committee meeting last week regarding some personnel issues. At this time, he requested a Closed Session to discuss same.

6. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported she was unable to attend the rededication of Ruckman Pond but noted there was a nice photo on Page 2 in The Record of everybody that was there; and she voiced her opinion that it was able to be done in such a short amount of time is nothing short of a miracle. Mrs. Latner reported the DPW has indicated they will be ready for leaf season to start. The Library has not met all summer and their next meeting is scheduled for this Thursday night.

At this time, Councilman Glidden noted he has seen the DPW out this past week cleaning up brush from the last storm we had and he voiced his opinion they did a great job.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported the Ordinance Committee did not meet this month but will do so next month. He noted the issue of the Conservation Zone will be taken up at that meeting and then will come back to the Council in absence of the Planning Board having provided anything yet. As to the comments made regarding smoking, he agrees that personal freedoms are important and should be respected but he thinks public spaces are places where adults model behaviors for children. They are also places where children gather together and peer pressures can be created for other kids to pick up those habits. He feels this ordinance can be the tool to law enforcement to help regulate those behaviors. Dr. Barad voiced his opinion he's not so worried about somebody across the field smoking as he is about potentially a coach illegally smoking around the kids. It's not nice for kids to promote smoking to each other but it is a tool to potentially guide young people. He understands Mr. Hagen's pleas, and initially he agreed until he thought about it more. Mr. Hagen voiced his disagreement, which Dr. Barad noted.

2) REPORT

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick informed he has been remiss with scheduling a Human Resources Committee meeting. They had planned to have one last week or this week, but he said he will be away next week and will try to schedule one for the following week. The Administrator noted he will be away after the next meeting.

2) REPORT – Councilman Kashwick reported on the following:

a. Environmental Commission – The Harvest Festival at the MacBain Farm will be held 10/27/12 with a time change to 3:00 p.m. -5:00 p.m. (from 4:00 p.m. – 6:00 p.m.) to allow for more daylight. The rain/snow date is 10/28/12. Mary Mayer reported the pond is refilling nicely and some of the wildlife is returning. The Commission discussed the proposed smoking ordinance and the consensus was in favor with the exception of one individual who shared the same views as Mr. Hagen. The also discussed a way of getting water to the MacBain Farm so people have a way of washing their hands, shoes, etc. so that is something that will come up regarding Open Space in the future.

b. Historic Preservation Commission met after the last meeting so he is reporting for August and September, which meeting is being held this evening. In August there was a hearing on a Certificate of Appropriateness for the Metropolitan Farm to replace the chicken house. They were asked to come back with modified plans because the Commission did not like

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON) (Continued)

what was brought before them. They are moving forward on information regarding the Railroad Station which will come up for designation soon. Mr. Kashwick said there were more kudos for the DPW due to their maintenance of the cemetery.

c. Shade Tree Commission – Secretary Louise Ungar is still recuperating from surgery which went very well. The Fall planting bids will go out shortly and removals have just been completed. They are accumulating a new list at this point. He reported their Continuing Education Units are up to date so nobody needs to attend the Shade Tree Federation Meeting in Cherry Hill in October.

d. Regarding the Conservation Zone, he informed since Dr. Barad discussed same under his report, he had nothing to add at this time.

At this time, Councilman Dolson questioned if the layer of algae floating on Ruckman Pond is apparent simply because it is new water filling up or whether that is an ongoing issue that requires an aerator. Mayor Heymann said that is a good question and noted the explanation for that is right on our website as provided by Mary Mayer. She explained that it says the disturbance of wildlife and fauna is creating something that will be muddied and algae covered for some time until a balance is achieved between the fish and the other living things that will be offsetting the algae and other plants. Councilman Glidden voiced his understanding that you will never really get rid of all of the algae but it will reduce as the balance of nature is restored.

F. LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON)

1) REPORT – Mayor Heymann noted Councilwoman Amitai is not present but in her absence, she wished to announce that the Planning Board has received the plans from Edens and Avant, who are renovating the Closter Plaza. The Borough Engineer informed he would have a letter but that not everything would have been reviewed from an engineering standpoint. He affirmed that they will be coming for perfection inasmuch as they have everything that is required in to the Board. In answer to Councilman Glidden, he said the current plans are a lot like the last set with a few modifications including an additional building in the front. He explained there are currently five buildings; and due to the connection of the buildings together plus the new building, it will only be four buildings total bringing it more into conformance. Mayor Heymann noted if she read the plans correctly there is more brick and stone incorporated into the facades as opposed to stucco, which is what they were looking for.

7. OLD BUSINESS

a. PARK BATHROOMS – PROPOSED AIA CONTRACT (Requested by Administrator 9/19/12)

8. NEW BUSINESS

a. REPORT ON NOTE SALE RE \$1,516,965 BANS (HELD 9/19/12) (Requested by Administrator 9/19/12) – Borough Administrator said that he is very pleased with the rate which was initially 1.25% for one year; but with the purchase of a premium, it was bid down to 0.89%. We will be doing another sale in December of an \$840,000 roll over of a Bond Anticipation Note and \$580,000 Special Emergency Notes and he suspected an equally low rate.

8. NEW BUSINESS (Continued)

b. PRICE FOR APPLICATION FOR NOMINATION OF BOROUGH HALL FOR REGISTER OF HISTORIC PLACES (Requested by Administrator 9/19/12) – Mayor Heymann noted that this item is self explanatory.

c. COMMUNITY DEVELOPMENT APPLICATION (Requested by Administrator 9/19/12) Mayor Heymann noted that this item is self explanatory.

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 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Steve Isaacson, 97 Columbus Avenue, expressed his support for Mr. Hagen’s comments but felt it was doomed for failure since the police have better things to do than walk around the park telling people to stop smoking. He expressed support for sidewalks on Whitney Street due to the proximity of Mollicone Park and the Middle School. He noted that the curb at the corner of Railroad Avenue and Closter Dock Road is being destroyed by truck traffic and recommended that instead of replacing the curb, it should be removed to allow a smooth curve. Borough Engineer said a curb deters smaller vehicles from going over and hitting a pedestrian on the sidewalk. Councilman Dolson said that the owner is developing the property; and in the process, may be repairing the sidewalk; and Mr. DeNicola said that the County would be installing ADA ramps at that corner.

Mr. Isaacson referred to the 2,000 square foot rule and the affidavit, which he felt was being anti-business. Borough Attorney advised that the affidavit has been in place for many years for the use of the building; and the purpose of the affidavit is to assure that the use is the same upon a change in occupancy, not to address the number of employees. Mr. Isaacson also noted a deficiency in parking at Closter Plaza that must be addressed and that 1,500 spaces are needed.

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 Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on September 28, 2012 for
approval at the Regular Meeting
to be held October 10, 2012

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held October 10, 2012
Consent Agenda Item No. 25b.