

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MAY 9, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:20 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,
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, Dennis Kaine

3. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @8:00 P.M.

OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinances were introduced at the Regular Meeting held 4/11/12 and were published in The Record on 4/17/12 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. 2012:1122: “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE”
- b. ORDINANCE NO. 2012:1123, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE TO ADD PROVISIONS FOR HISTORIC PRESERVATION AND AMENDING CHAPTER 35, ARTICLE VII, HISTORIC PRESERVATION, TO CROSS REFERENCE THE LIMITING SCHEDULE”

Motion adjourning the Public Hearings on Ordinance No. 2012:1122 and Ordinance No. 2012:1123 to the next Regular Meeting to await information from the Planning Board was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

4. MAYORAL APPOINTMENTS (NON SALARIED) TO THE FOLLOWING COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; RM 1/25/12; RM 2/8/12; RM 2/22/12; RM 3/14/12/RM 3/28/12; 4/11/12; 4/25/12):

| <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 12/31/15 | Kathi Cochran | _____ | 4 Year | |

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 19 and 23 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.

ORDINANCES

6. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 6/13/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. ORDINANCE NO. 2012:1126: “AN ORDINANCE REVISING CHAPTER 67, ALCOHOLIC BEVERAGES, OF THE BOROUGH’S CODE” (Received from Borough Attorney 5/1/12)

RESOLUTIONS

7. BILL RESOLUTION – MAY 15, 2012
TO BE PREPARED BY DEPUTY TREASURER

8. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$600.00 TO APPLICANT, MICHELLE R. LASKER MANDELBLATT, FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR BLOCK 2102, LOT 37.02, 42 MC CAIN COURT (Received from Deputy Treasurer 4/30/12)

9. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$975.00 TO APPLICANT, MICHAELA LEE, FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR BLOCK 804, LOT 13, 32 MATTOCKS PLACE (Received from Deputy Treasurer 4/30/12)

10. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMAINING LIQUOR LICENSE REVIEW ESCROW FEES HELD BY THE CLOSTER POLICE DEPARTMENT FOR SUCCESSFUL COMPLETION OF SERVICES AS FOLLOWS: ROSEMARIE O’CONNORS, 21 STOCKTON AVE., CRANBURY, NJ 08512, IN THE AMOUNT OF **\$477.50** FOR BLOCK 1608, LOT 1, 597 PIERMONT ROAD; **AND** TOPSIDE INC. C/O PATENTAS, 510 CLOSTER DOCK ROAD, CLOSTER, NJ 07624, IN THE AMOUNT OF **312.50** FOR BLOCK 1702, LOT 8, 624 PIERMONT ROAD (Received from Deputy Treasurer 4/30/12)

11. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12 AS FOLLOWS (Received from Administrator 5/1/12): Commodity/Service: Light Duty Trucks & Cargo Vans; Vendor: Flemington Buick Chevrolet Pontiac GMC LLC, 211 Routes 202 & 31 South, Flemington, NJ 08822; State Contract #: A78847; Max Amt: \$39,797.00; Expiration: September 30, 2012 (Received from Administrator 5/1/12)

12. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2010, 2011 & 2012: HARDING LLC V. CLOSTER, LOCATED AT 259 CLOSTER DOCK ROAD, BLOCK 1305, LOT 3 (Received from Borough Attorney 4/26/12)

13. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2010, 2011 & 2012: 294 CLOSTER CORP. V. CLOSTER, LOCATED AT 294 HARRINGTON AVENUE, BLOCK 1312, LOT 4 (Received from Borough Attorney 4/26/12)

14. RESOLUTION AUTHORIZING A CROWN CASTLE LEASE AMENDMENT ALLOWING AN ADDITIONAL ANTENNA ON THE TOWER; AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE AND/OR REVIEW THE NECESSARY DOCUMENTS AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE AMENDMENT (Received

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from Borough Attorney 4/26/12)

15. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RETURN REMAINING ESCROWS IN THE AMOUNT OF \$276.27 TO APPLICANT INTEGRITY BUILDERS LLC, 156 WEST HUDSON AVENUE, ENGLEWOOD, NJ 07631, ATTN: BRUCE BERLINER, IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14, FOR OVERPAYMENT OF POLICE TRAFFIC DIRECTOR SERVICES (Received from Chief of Police Office 5/2/12)
16. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE THE PERFORMANCE BOND (WESTERN SURETY CO., BOND NUMBER 70593957) IN THE AMOUNT OF \$75,963.60 POSTED BY JAE MANAGEMENT LLC FOR SATISFACTORY COMPLETION IN ACCORDANCE WITH APPROVALS GRANTED FOR DEVELOPER'S AGREEMENT FOR PROPERTY LOCATED AT BLOCK 1305, LOTS 5 & 6 PER THE PLANNING BOARD ENGINEER'S LETTER DATED 2/28/12 (Received from Deputy Treasurer 5/2/12)
17. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE "CLICK IT OR TICKET" PROGRAM GRANT IN THE AMOUNT OF \$4,000.00 (Received from Administrator 4/30/12)
18. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE 2012 CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$12,963.92 (Received from Administrator 5/3/12)
- ~~19.~~ RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES FOR PROFESSIONAL ENGINEERING SERVICES IN CONJUNCTION WITH THE REMEDIATION OF CONTAMINATION LOCATED AT THE DPW FACILITY IN AN AMOUNT NOT TO EXCEED \$24,420.00 (Per proposal dated 2/15/12) (Received from Administrator 5/3/12)
20. RESOLUTION SETTING ADDITIONAL HOURS (3 PER WEEK) AND COMPENSATION OF THE BUILDING/TECHNICAL INSPECTOR ~~FOR PLUMBING~~, AT THE RATE OF \$38.59/HOUR, FOR AN ANNUAL AMOUNT OF \$6,020.00, EFFECTIVE 5/16/12 (Received from Administrator 5/4/12)
21. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE COUNTY OF BERGEN COMMUNITY DEVELOPMENT GRANT (NV-CLSTR-02-11) IN THE AMOUNT OF \$20,000.00 FOR THE CLOSTER BARRIER FREE LIBRARY PROJECT (Received from Administrator 5/4/12)
- 21a. RESOLUTION IN SUPPORT OF PHASED IN FUNDING RESTORATION (5. M.L. 5/10/12) (Requested by Mayor 5/9/12)
- 21b. RESOLUTION MEMORIALIZING ACTION TAKEN AT MAYOR AND COUNCIL REGULAR MEETING HELD 4-25-212 REGARDING COMPLAINT TO BE FILED WITH THE BERGEN COUNTY AGRICULTURAL BOARD – 119 HICKORY LANE BOROUGH OF CLOSTER (Received from Borough Attorney 5/8/12)

MOTIONS

22. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 5/4/12) NO ABSTENTIONS
 - a. REGULAR MEETING OF APRIL 25, 2012
 - b. WORK SESSION MEETING OF APRIL 25, 2012
- ~~23.~~ MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; RM 1/25/12; RM 2/8/12; RM 2/22/12; RM 3/14/12; RM 3/28/12; 4/11/12; 4/25/12):

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| <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 | | | | |

24. MOTION APPROVING THE FOLLOWING APPLICATION AS NEW MEMBER OF THE KNICKERBOCKER HOOK AND LADDER COMPANY (Completed application received 5/2/12): CODY M. WATKINS

25. MOTION APPROVING REQUEST OF INTERNATIONAL ACADEMY OF ARTS AND SCIENCES TO USE CLOSTER MEMORIAL FIELD LOCATED AT 150 HARRINGTON AVENUE ON SATURDAY, 5/26/12, FROM 8:30 A.M. TO 12:00 A.M. TO CONDUCT THE IAAS FIELD DAY EVENT (Approval received from Risk Management Consultant 5/1/12)

26. REPORTS

- a. CONSTRUCTION OFFICIAL - APRIL 2012 (Received 4/30/12)
- b. FIRE CHIEF - APRIL 2012 (Received 5/3/12)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

27. 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)

27a. Motion approving the following Closed Session Resolution at 9:32 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10A4-12 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 cell town contract”}; 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 contract negotiations, litigation and matter which should be within 12 to 15 weeks.

Mayor Heymann resumed the public meeting at 10:47 p.m.

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

Motion extending the Crown Castle Lease for one year was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

29. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:48 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 May 18, 2012 for
 approval at the Regular Meeting
 to be held May 23, 2012

Loretta Castano, RMC
 Borough Clerk

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notes

Approved at the Regular Meeting held May 23, 2012
Consent Agenda Item No. 14a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

SPECIAL MEETING MINUTES - WEDNESDAY, MAY 9, 2012 - 6:00 P.M.

The Mayor and Council of the Borough of Closter held a Special Meeting at Borough Hall on Wednesday, May 9, 2012. Mayor Heymann called the meeting to order at 6:11 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. 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. The Notice of Special Meeting was published in The Record and Star Ledger issues of May 3, 2012 as noted in the affidavits of publication, were posted on the Municipal Clerk's bulletin board on May 3, 2012 and has remained continuously posted as the required notices under the Statute. In addition, a copy of each 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
Arthur B. Dolson (6:15 p.m.) and Victoria Amitai (6:24 p.m.)
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano

4. CLOSED SESSION RESOLUTION EXCLUDING THE PUBLIC FROM THE NEXT PORTION OF THE MEETING PURSUANT TO N.J.S.A. 10:4-12(b)(8) IN ORDER TO DISCUSS A MATTER INVOLVING PUBLIC EMPLOYEES (Requested by Chairman of Human Resources Committee 4/30/12)

Motion approving the following Closed Session Resolution at 6:11 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick and Barad.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing 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)(8) "A matter involving public employees"; and that the item(s) under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter(s) which should be within 8 to 12 weeks.

Mayor Heymann resumed the Regular Meeting at 7:31 p.m.

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)

6. ADJOURNMENT

Motion to adjourn the Special Meeting at 7:31 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on May 18, 2012 for
approval at the Regular Meeting
to be held May 23, 2012

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held May 23, 2012
Consent Agenda Item No. 14c.

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BOROUGH OF CLOSTER

WORK SESSION NOTES – MAY 9, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, May 9, 2012. 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 Record for publication on January 6, 2012 and The Star Ledger on January 7, 2012, was posted on the Municipal Clerk's bulletin board and has remained 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,
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, Dennis Kaine
Fire Chief, Nick Varni

At this time, Mayor Heymann explained she would deviate from the Agenda due to the number of people in the audience and she opened the meeting to the public.

Ira Rothbaum, 83 Hickory Lane, noted that a petition has been drafted supporting actions regarding Metropolitan Plant; and within 2 days, 150 signatures have been collected. He explained they feel that, as a group, they are not getting the total support of the Governing Body. In court yesterday the Judge acknowledged that there should be no further cutting down of trees in addition to work being done on permanent structures. If the State Agricultural Board did find there were violations, the violations would have to be reversed. He noted that if aggressive action had been taken a month ago possibly only three acres of trees would have been cut down. It was felt that the report of the State Agricultural Board was not completely accurate regarding soil testing and because of this they need access to the property to conduct their own testing of the soil and streams. He asked for support from the Mayor and Council.

Mayor Heymann said that the group has gotten the unanimous support of the Governing Body including the fact that Mr. Rogan filed a complaint with the proper authorities; and your attorney was aware of the complaint in that he included that complaint in his own filing. Mr. Rothbaum reiterated that if the support was there a month ago, this problem would have been nipped in the bud; and he felt that the Council should go after the Agricultural Board because of their inaccurate report and support

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of the farm.

Borough Attorney noted yesterday's proceeding was an initial order to show cause at which time Judge Carroll issued a temporary restraint only after the attorney for the Farm Board indicated, on the record, that there will be no more trees cut down and there is no intention of building permanent structures at this time. The Judge's order is in effect until June 20th at which time there will be a hearing. There is a case pending in court; and the Farm Board and Judge Carroll were clear that the decision on the farming practices will be heard by the Farm Board. The Mayor and Council filed that complaint, which was extensive, within a week after the last meeting.

Nathan Amitai, 35 Wendy Lane, said we do not feel that the Mayor and Council, with the exception of a few, are with us and felt that the governing body should join them in aggressively pursuing the case by demanding access to the farm to prove soil excavation and movement in close proximity to a C-1 stream. He explained it is their perception that the Mayor and Council are siding with a commercial enterprise; and the complaint was filed only after the residents expressed their dissatisfaction. Mr. Rogan said that the resident complaints were brought to the Governing Body at the first meeting after the work began; he clarified that this had not been an issue that was discussed numerous times before; and a resolution was adopted to file the complaint immediately. Mayor Heymann noted that at the meeting two weeks ago, the Council asked the complainants to enumerate the violations; and based on those perceived violations, the Borough Attorney filed the complaint and those violations must be proved by the Borough. Mr. Amitai said that in order to prove these violations to present to the Judge, the residents need the Borough's help to get on the farm property and measure precisely. He said the County lawyer came and said they inspected the site and found no violations; but they didn't test the soil, measure the distance from the brook or do anything. Mayor Heymann responded that they were obeying the law. Mr. Amitai asked if the Council can request access to the farm with a purpose to take soil samples and measure the distance where the excavation has been done. The Borough Attorney informed that is already being done; and they will have the engineering report. He advised Mr. Amitai that it is up to their own attorney if they want to present the evidence prior to the June 20th hearing. The Borough Attorney reiterated that the Judge set a return date on an emergent application for June 20th which is emergent in legal terms and advised as follows: The County Agricultural Board said they will be having a meeting on-site, the public is permitted; that representation was made on the record yesterday. The complaint has been forwarded to the State Agricultural Board; it comes back to the County; they schedule a meeting; representatives of the Borough, if need be an Engineering representative, representatives of the public can also be there within the next two weeks. By then, we should have the certified report of their engineer. In response to Mr. Amitai, he said he is not saying we are going to rely on it but they will at least have it. In answer to Mr. Amitai, Mr. Rogan informed he never saw the certificate and voiced his impression that is where they got the soil from in November. When the vendor gets the soil from somewhere, they are obligated to provide the Borough with a clean certificate. He reiterated that we are going to get that certificate; and offered to make a checklist and get whatever items are vital to what the residents are asking for. Mr. Amitai said there are residents who are engineers; and they could provide impartial expert reports. The Borough Attorney informed that was not possible because they could have an interest living within a certain number of feet of the property. He reiterated that the Borough has already taken a side and that is the Borough of Closter v. Metropolitan Farm; that is the complaint that is pending. The Borough Attorney said the Council could consider having a surveyor measure the area in question from the stream but permission of the farm owner would be necessary. He said the owner may agree to that because their contention is that it is over 500 feet, not 300 feet. And if that is true, they should have no issue with us going in there to measure it.

Mr. Amitai asked that the Borough aggressively pursue environmental issues with the Department of Environmental Protection. Borough Attorney said if there is a State violation with the DEP, we do not need a court to address that; but Bergen County Soil Conservation indicated that violations were not

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observed during their preliminary walk through on Thursday; and supporting documentation has been requested. Certification from the provider of the soil would be received during the next week. Mayor Heymann noted that the Borough does not have a copy of the conservation plan either and she has requested same. Borough Attorney said, with the Council's permission, he would request access to the property to measure the distance of the soil movement from the C-1 stream to see if it is within 300 feet. He voiced his opinion this would be quicker than going back into court or waiting for the Farm Board decision. If, in fact, they are true to their word that it is more than 500 feet, the owner should have no objection to allowing us to do so.

David Hecht, 51 Hickory Lane, said he felt the Judge was upset with the tree removal and the possible irreparable harm. He voiced his opinion that the County lawyers lied about visiting the property and that only three acres of trees were removed whereas in reality 80 to 90 percent of the trees/between 80 to 90 trees, if not more. In answer to Mr. Glidden, he voiced his opinion that approximately 8 acres of trees have been removed from the property. Mayor Heymann noted that the 10 ½ acre property had no trees in the northern part or where the buildings were located, which was about 50% of the total property. Mr. Hecht said the Judge was bothered by the two streams; but Mr. Watkins, dismissed one and said it was a seepage pit. Mr. Hecht provided a survey of property located at Bradley and Hickory Lane, which indicated that the area in question is a fresh water stream. He urged the Council to provide outside engineering help and to allow the Borough Attorney to join their lawsuit because of their limited financial ability and the irreparable harm being done to the streams. Mr. Rogan said that he would discuss the strategy of same with the Mayor and Council in Closed Session. He said that at the last meeting he indicated that he felt it would not be advantageous to file with the Court since the jurisdiction is clearly with the Farm Board where he felt the case would ultimately be decided. The Mr. Rogan reiterated what the Judge said yesterday after Mr. Watkins represented that his client would not cut down more trees and had no intentions of building permanent structures; the Judge said "fine, I'll order that you don't" but all other relief was denied. He said on June 20th the Judge will decide whether he has jurisdiction in the matter.

Izak Pearl, 43 Hickory Lane, referred to the complaint and felt the Judge has jurisdiction as outlined in his ruling, which he proceeded to read. Borough Attorney said that there has not been a hearing as yet; and same is scheduled for June 20th, and that what Mr. Pearl read was the allegations written by the group's attorney not the Judge. Mr. Pearl said this is a 60 day process to address the complaint and there is no process to stop the property owner except to go to court which he felt the Mayor and Council should have done. He said that this matter would not be resolved by the Board, that the stream has been totally ignored and the trucks have been causing the asphalt on Hickory Lane to fall into the stream. He cited the Master Plan and felt that the activities on the property are totally against the Master Plan, which cites the preservation of the residential community. Commercial activity is designated for the center of town, not the east hill; and Hickory Lane is not suitable for commercial activities that are planned by the new owner. The public health and safety of the community are being jeopardized. Mayor Heymann noted that this is not a commercial activity but a permitted farm by the laws of the State of New Jersey. The entire Council is on the side of the homeowners as legally as we can be. We swear to uphold the laws of the State and Country. There may be issues that are debatable and could be contested. Borough Attorney noted that by State definition every farm in New Jersey is commercial since, if you do not sell what you grow, you cannot be a farm. His office visits each farm in Closter every year to verify sales and gross receipts. If a certain amount of money is not generated from the sales, the farm does not qualify under State law. Mayor Heymann said that the Borough did not choose to preserve that farm; instead, we wished to buy the farm, but the owner chose to preserve the farm.

Anthony Tristani, 72 Hickory Lane, questioned how the town could remedy the commercial traffic and safety impact on Hickory Lane. Mayor Heymann said that the Borough could control the traffic to a

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certain extent by installing “no parking” signs on Hickory Lane and enforcing the “no trucking” ordinance. Building construction can be controlled through the Building Department. Borough Attorney said that any building anchored to the property needs municipal approval other than temporary greenhouses.

Steve Isaacson, 97 Columbus Avenue, said that a drainage ditch could be an intermittent stream that does not need flowing water at all times. He questioned if a land swap such as with the mulching area could be possible. Relative to the bus route change, he felt the town would have to initiate some action such as crosswalks and stop signs. Mayor Heymann said there are unresolved issues that must be addressed.

In answer to Makoto Sato, 240 Anderson Avenue, Borough Attorney said a farm must have at least 5 acres and generate at least \$2,500 in revenue; and he reiterated the complaints that the Borough has filed with the County Agricultural Board. If either side is not happy with the decision, an appeal can be filed with the State Agricultural Board and thereafter the Appellate Division.

Mindy Rothbaum, 83 Hickory Lane, questioned the amount of the property that can be used for temporary greenhouses. Borough Attorney said that he is not aware of any regulation but he will follow through on that and amend our complaint.

Steve Isaacson, 97 Columbus Avenue, questioned the development rights; and was advised by the Borough Attorney that same are owned by the County who, with the property owner and the State, would have to agree to sell them to the Borough. The deed restriction indicates that same are held in perpetuity. He advised this is a question to be posed to the Board of Chosen Freeholders as they would be the ones to make that decision.

Izak Pearl, 43 Hickory Lane, said there is a 10-page document written relative to the temporary greenhouses with questions and answers; and it does provide the town the right to request a site plan. Mr. Pearl disagreed with the Council’s contention that it was only relative to permanent structures and provided a copy to the Borough Attorney for his review.

Councilman Glidden cited the points in the complaint, which can be amended to add additional violations; and said there should be discussion regarding the use of an independent engineer in addition to joining the lawsuit financially. He felt a letter to the Governor would be appropriate in addition to obtaining permission from the owner to measure the distance of the soil disturbance from the stream. Mr. Glidden voiced his natural concerns about how much this would cost the Borough. He said it’s not to say they aren’t 100% supportive of the residents; rather they need to take a look at the impact on the Budget if they got involved in making certain decisions.

Mindy Rothbaum, 83 Hickory Lane, referred to the impact on the real estate market in the Borough; and felt the Governing Body should take this into consideration.

In answer to Mr. Pearl’s previous comment, Borough Attorney informed as follows: it says if your Zoning Code requires it, you can ask for it. Our Zoning Code does not require it. He reiterated that at the last meeting he said our Zoning Code specifically permits greenhouses in Residential Area A. He informed Mr. Pearl that our Code permits both temporary and permanent greenhouses. He said we could change the Zoning Code going forward to require a site plan; but our current Code permits greenhouses in Residential Area A whether they are temporary or permanent. There is no provision in our current ordinance to require a site plan.

In answer to Jesse Rosenblum, 65 Knickerbocker Road, Borough Attorney advised that the

Agricultural Board would be doing a site inspection of the farm at which time members of the public are welcome since it is considered a public meeting. He said whenever we have litigation with a farm, the Farm Board as a whole designates a date and time where they all come to the site and walk around, ask questions and take pictures and request documents of the farm owner. This is considered a public meeting and members of the public are welcome. Borough Attorney said he would obtain the time and date from the Board and provide the information to the Borough. Relative to the preservation rights, Borough Attorney said he has never seen the rights being reversed but theoretically it is possible. Mr. Rosenblum suggested that the residents contract with a pilot to take aerial photos of the property. If all of the legal attempts fail, he suggested that the residents stage a sit down on the road to block access to the property.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF APRIL 26, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 11 was removed by Councilman Kashwick; Item Nos. 5 and 6 were removed by Borough Clerk.

Item No. 11: Received 04/26/12, dated 04/25/12 from Rev. Dr. Myung H. Choi, 32 Olive Street, to Mayor, Council and Officer Whitney, re Requesting reconsideration, one more time, of the Mayor and Council=s determination (RM 4/11/12) regarding Tree Removal at 32 Olive Street (Original also to Jim Whitney)

Councilman Kashwick explained he wished to acknowledge receipt of the letter but voiced his opinion that no further action should be taken on this matter. The Borough Clerk explained she had informed the gentleman who delivered the letter that if they wished to appear for further comments, it could be discussed at this evening's meeting during review of Mail List items.

Item No. 5: Received 04/25/12 hand del'd, dated 04/24/12 from Joseph Bianco, Chairman, Zoning Board of Adjustment Re: Ordinance No. 2012:1119 - Centennial AME Zion Church as Historic Landmark; expressing thanks for the opportunity to review and comment on same and informing the Zoning Board of Adjustment supports historic designation of the site for the reasons expressed in the Ordinance (distributed 4/25/12)

Item No. 6: Received 04/25/12 hand del'd, dated 04/24/12 from Joseph Bianco, Chairman, Zoning Board of Adjustment Re: Ordinance No. 2012:1122 - LEED Certification Incentives; expressing thanks for the opportunity to review and comment on same and informing the Zoning Board of Adjustment supports the LEED Certification program generally, but it is felt that increasing allowances in building coverage and impervious coverage for LEED Certified projects in residential zones will be taken advantage of (distributed 4/25/12)

The Borough Clerk reminded that Councilman Barad had mentioned these items earlier and wished to acknowledge they were on the Mail List.

At this time, Mayor Heymann thanked the Borough Clerk for the new format of materials they received in last Friday's packets. The Borough Clerk explained the materials had to be reduced from legal to letter size due to lack of legal sized paper. Ms. Castano voiced her opinion that she and her Assistant were surprised by the end result, but they were not sure how the Governing Body would feel about it. In answer to the Borough Administrator, she said it must have happened for a reason, because it worked out to everyone's satisfaction.

b. MAIL LIST OF MAY 3, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item Nos. 4a and 14 were removed

by Mayor Heymann; Item No. 5 was removed by Councilman Barad.

Item No. 4a: Received 04/27/12, dated 04/27/12 from Cindy W, Randazzo, Director, Office of Local Government Assistance, NJDEP, to Mayor re NJDEP Press Release - DEP URGES RESIDENTS TO CONSERVE WATER

Mayor Heymann informed the Press Release was already placed on the Borough website.

Item No. 14: Received 05/01/12, dated 05/01/12 from Eileen Fulmer, 48 County Road, to Loretta Castano re Forwarded copy of message e-mailed to Mayor and Council regarding overloading of two catch basins in front of her property with debris and vegetation; photos attached (Copy to William Dahle, III, Quentin Wiest 5/1/12 via e-mail)

Mayor Heymann informed that both she and the Borough Clerk received an expression of appreciation from Mrs. Fulmer.

Item No. 5: Received 04/27/12 via e-mail, dated No Date, from Rose Mitchell, Planning Board Coordinator, to JoAnn Riccardi, c: Arthur N. Chagaris, Borough Clerk re Informing that the 5/2/12 Planning Board Work Session has been canceled; therefore, requests to include Limiting Schedule Change & LEED ordinance will be postponed to the 6/6/12 Work Session; also attached letter addressed to Mr. Spivack, 40 Johnson Court, re Planning Board Application #p2012-03 informing application requires prior Mayor and Council approval to be included in the 6/6/12 Work Session

Councilman Barad noted we have been discussing the LEEDS ordinances and he wanted everyone to be aware the Planning Board would not be taking the issue up until June 6, 2012.

The Borough Clerk referred to the second part of the correspondence addressed to Mr. Spivack informing the application requires prior Mayor and Council approval. The Borough Engineer explained the Applicant appeared before the Planning Board with a soil moving application to construct 14 foot high walls and staircases on a Borough easement. He explained there are currently some retaining walls in the easement, but nothing to this extent. The Planning Board agreed that since the Borough owns the property, the Mayor and Council should take issue first because they control the rights to use it. The Planning Board could not approve a plan to construct a 14 foot wall or staircase unless the Council approved it first. In answer to the Borough Clerk, the Borough Engineer explained the Applicant will have to have their engineer appear before the Council with their plans to demonstrate what the issues are and additional correspondence would be forthcoming.

c. MAIL LIST OF MAY 10, 2012 – The Borough Clerk informed that Item No. 6 to appear on this week's Mail List was removed at the request of Mayor Heymann to be placed on the Consent Agenda this evening as Item No. 21a. because action is required prior to May 17, 2012. Mayor Heymann explained this Resolution pertains to energy tax credits.

Item No. 6 – received from League of Municipalities via e-mail 5/8/12 @ 3 p.m. Resolution in Support of Phased In Funding Restoration (for action prior to 5/17/12)

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of May 9, 2012)

19. RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES FOR PROFESSIONAL ENGINEERING SERVICES IN CONJUNCTION WITH THE REMEDIATION OF CONTAMINATION LOCATED AT THE DPW FACILITY IN AN AMOUNT NOT TO EXCEED \$24,420.00 (Per proposal dated 2/15/12) (Received from Administrator 5/3/12)

Mayor Heymann explained she wished to remove this Resolution from the Consent Agenda

inasmuch as the Borough will not meet the Department of Environmental Protection deadline. She said we are contesting it right now; and she has appealed to the DEP on this matter.

At this time Andy Ouzoonian, 40 Buzzoni Drive, referred to the two ordinances for public hearing; and expressed concern about keeping Closter as green as possible. He said he felt that the proposed ordinance increases the coverage and impervious surfaces which is going against the Master Plan. He said that the proposal for commercial and public buildings was appropriate but not for residential structures. There could be a benefit for residences in the cost of permits.

a. ORDINANCE NO. 2012:1122: “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE”

b. ORDINANCE NO. 2012:1123, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE TO ADD PROVISIONS FOR HISTORIC PRESERVATION AND AMENDING CHAPTER 35, ARTICLE VII, HISTORIC PRESERVATION, TO CROSS REFERENCE THE LIMITING SCHEDULE”

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT RE COMPLAINT FILED WITH THE COUNTY AGRICULTURE BOARD ENUMERATING RESIDENTS ISSUES CONCERNING FARM AT 119 HICKORY LANE (WS & RM 4/25/12) – The Borough Attorney informed the Farm Board is obligated to hold a hearing within 60 days. Typically, they will send the complaint to the State; the State sends back its approval of scheduling; then an on-site meeting is scheduled usually within 10 days of the State’s review. The Borough Attorney clarified the on-site meeting is a public meeting. The next step would be to hold a hearing where testimony would then be heard to substantiate the complaint. Mr. Rogan informed that the residents group attached a copy of the complaint and they filed one of their own in addition; so there are two complaints before the Farm Board at this time.

2) REPORT – The Borough Attorney informed he had two items for Closed Session; one under contract negotiations and the other under pending litigation.

B. BOROUGH ENGINEER

1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT NJDOT \$275,000 - Authorization to proceed rec’d 8/9/11; Awarded to Marini Bros. Construction Co., Inc. at RM 10/12/11 – The Borough Engineer reported this project is about 50% completed as far as construction. He said they are up to approximately Fairview Avenue with the forms and all the way up to Cedar Lane completed with the concrete.

2) STATUS REPORT RE HERBERT AVENUE IMPVTS., SECTION 4 (2011 NJDOT Municipal Aid - \$145,846; Closter - \$5,000), MEMORIAL FIELD BASKETBALL COURT IMPROVEMENTS (2009 Bergen County Open Space Trust Fund \$37,500/Closter Open Space Trust Fund \$37,500) AND RUCKMAN ROAD IMPROVEMENTS & CRACK SEALING (remaining Funds from 2009 Road Improvement Program - \$51,895) Contract awarded (RM 4/26/11) to AJM Contractors
The Borough Engineer reported they are still withholding payment to AJM Contractors until they complete the project. We are waiting for the delivery of the picnic tables and bleachers at Memorial Field as well as the rectification of the ponding problem at Reuten Drive. He noted we have been withholding payment since last September but they are supposed to finish up this week or next week.

3) STATUS REPORT RE DREDGING AND RESTORATION OF RUCKMAN POND, BLOCK 1901, LOT 1 (RM 6/8/11) – In answer to Councilman Glidden, the Borough Engineer informed that they are waiting for the material to dry out. He explained the pumps are in and they dug the trenches to drain the material; but it is too wet at this point to excavate. He estimates it will be a few weeks before it is dried out.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

4) REPORT RE FIRE DEPARTMENT RAMP (WS 4/25/12/Requested by Councilwoman Latner) – Mr. DeNicola reported he performed an inspection and has pictures for the Council’s perusal. He explained that in 2002 then Borough Engineer, Cliff Gold, generated a report on a soil consultant who said there is 8 inches of “garbage” under the pavement; and it would take a very large amount of money to excavate it and replace it with new materials. The report suggested it would be cheaper to resurface and repave the lot every 10 years, with which Boswell concurred. The Borough Engineer explained it has been about 10 years so it is time to resurface that lot again. He voiced his opinion that we could probably get away with another year before doing it especially if next winter is like the one we just had. The Borough could opt to include it as part of the Road Program this year if they choose; but it has reached its life and needs to be done. In answer to Councilman Glidden, he said the ballpark estimate is \$60,000 to \$80,000. In answer to Councilwoman Amitai, he explained that the last time they pulled everything up and added extra fiber to try to extend the life, but it has been 10 years; and this time it would be a mill and resurface project. He explained that the Borough had hired a contractor the last time to do the big driveway in the front and he didn’t really do a good job. At that point, since the contractor was still on the hook to fix it, he had the Fire Department hire their own contractor who then redid the lot. The Borough Engineer clarified that no matter what contractor does the work, it will still look like that no matter what the circumstances because of the sub-grade material. In answer to Mrs. Amitai’s suggestions, he explained this is the best method to maintain the driveway.

5) REPORT RE MEMORIAL FIELD TRACK (WS 4/25/12/New Business) – Mr. DeNicola reported he has not made this a priority right now with a lot on their plate including the dredging, Local Aid Road Program, the path at Schauble Field and the bathrooms. Once those projects proceed further, he will provide an estimate, most likely later this summer.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE BOROUGH WEB SITE - The Borough Administrator had no report regarding this item.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S): - Mr. Wiest had no report regarding the following items:

a. Report re follow up of insurance requirements for use of Senior Center (WS 10/26/11)

b. Report re follow up of following Mail List requests:

1. St. Paul’s Anniversary Committee (9. M.L. 1/19/12) request to hold a block party on 9/9/12, time TBA

2. Demarest Swim Club request to hold 1st Annual Charity Sprint Triathlon Race partially through the Borough on 6/3/12 (5. M.L. 2/2/12)

3) STATUS REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) - The Borough Administrator reported he anticipates a date in late July

for the bid opening for this project. He said he will follow up with the Borough Clerk, but July 20th is a possibility for the opening.

4) STATUS REPORT RE REQUEST FROM RECREATION COMMISSION (4. M.L. 11/17/11) TO REMOVE “DANGEROUS TREES” IN THE PARKS – Mr. Wiest had no report regarding this item.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

5) STATUS REPORT RE: NEW ROOF AND CHIMNEY/MASONRY WORK/ MAC BAIN FARM HOUSE (WS 12/14/11) - The Borough Administrator reported that a purchase order was issued for the new roof on the MacBain Farm House. He explained this is the first and most significant part of the work that needs to be completed. He said it is possible that in the coming months they may have to come to the Council for more money for the farm house just because the claims from Mr. McCaffrey for work he has done over the years keep rolling in. The Borough Administrator informed some of the claims have been submitted to the JIF because they were storm related damages with the hopes that we can get recovery to the extent available.

6) REPORT RE PREPARATIONS FOR BID OPENING SCHEDULED TO BE HELD 5/11/12 @ 11:30 A.M.FOR ONE 95’ MID-MOUNTED AERIAL PLATFORM OR EQUAL (Notice to Bidders published/The Record 4/27/12) – Mr. Wiest reported the bid opening is scheduled for this Friday. He said there were three potential bidders who picked up bid packages but he expects only one bidder.

7) REPORT - The Borough Administrator reported that Mr. Hakim has worked with the Borough in the past as the Planner on COAH and Affordable Housing. There hasn’t been much to do in recent years but Mr. Hakim keeps us in compliance. Mr. Wiest informed there are updates to the spending plan that should be done in the next month or two prior to July 7th – the date the State will take the money away from the Borough. He said there is not any question about that right now. In his opinion, he thinks it would be in the Borough’s best interests to authorize him to have Mr. Hakim update our plans, to the extent possible, to retain some of that funding for some of the other ideas the Council has had for projects. He said he does not have an exact amount of hours it would take for the updates, but he figures it wouldn’t be more than a few thousand dollars to update the plan. Mr. Wiest voiced his opinion that to do nothing would be foolish because we would lose all of that money. In answer to the Mayor, he said the Planner would be paid out of COAH funds.

The Borough Administrator noted the Borough is not moving ahead with designating a licensed Site Remediation Professional; and the deadline was Monday. He explained there is an obligation on the part of the municipality to have a form filed informing the State who the licensed professional is. Since we don’t have one, and it will be noticed, he suggested rather than communicating occasionally with the State that they become more aggressive to gain more allies on their side with sympathetic ears. In answer to Mayor Heymann, he voiced his opinion that only reaching out to the DEP will get only an answer from the DEP; and he strongly suggests they go beyond that.

Mr. Wiest reported this will be his last formal report as the Borough Administrator. He anticipates being here occasionally in the future to support other initiatives that are still ongoing. He thanked the Mayor and Council for a wonderful experience the past three years, as well as the citizens of Closter who provided a uniquely wonderful experience. He truly enjoyed the experience and made a lot of friends; and he hopes he helped contribute to this wonderful community.

Councilman Glidden thanked Mr. Wiest for coming to work in Closter and voiced his opinion

that he has brought great stability to the town; a sense of humor to the Council and a tremendous amount of civility to the staff. He thanked Mr. Wiest for his thoughtfulness and the way he expressed himself and handled Borough problems.

7. REPORTS (Continued)

B. BOROUGH CLERK

1) STATUS REPORT RE 2012 APPOINTMENTS – The Borough Clerk reported she provided the Mayor and Council with a memo explaining all the unexpired positions that will be open for Mr. Wiest and Mr. Mariniello's positions so they will be aware of what appointments will have to be placed on the Agenda.

2) STATUS REPORT RE 2012 OATHS OF OFFICE – Ms. Castano was happy to announce that at this point in time there are only two Oaths outstanding. She said that the status of the Citizen Leadership Oaths were good; informed that although it is another task which many clerks feel is not worth pursuing, because it is the law, they are following through. Ms. Castano explained that the Chairpersons of the Boards and Commissions have been very cooperative which makes the process easier for her office.

3) STATUS REPORT RE 2012 LICENSES – Borough Clerk reported on the following:

a. Local Licenses are current for calendar year 2012.

b. Liquor License renewals are in progress for 2012-2013 (7/1/12 to 6/30/13).

Applications were mailed by her office to the 13 licensees on 4/17/12 for return to her office by 6/1/12 with the renewals to be approved at the Regular Meeting of 6/13/12; the Borough Officials have been asked to make inspections and have reports provided to her office by 6/1/12.

Ms. Castano reported the Special Ruling was finally received from the attorney for Modern Bar LLC on Monday. She reminded this is the pocket license that was formerly The Rec on Durie Avenue. Renewal for previous calendar year 2011-2012 can be made at the next Regular Meeting of the Mayor and Council on 5/23/12; and the licensee he has been provided with the renewal application for the current term (2012-2013) which is also required.

Borough Clerk checked the Division of Alcoholic Beverage Control website today; and noted that Tax Clearance Certificates have been issued for seven of the 13 licensees, which was very encouraging as it is usually the biggest problem at renewal time.

c. Liquor License transfers in progress: Ms. Castano reported we currently have two licenses in progress for transfers: Fresco, LLC which needs to be renewed before proceeding with the transfer; and potentially Modern Bar LLC, once the renewals have taken place. She voiced her understanding that there is Detective Bureau activity for the Fresco application. Chief Kaine affirmed same and informed no information has been received yet for the transfer of Modern Bar LLC.

4) STATUS REPORT RE 2012 MEETING DATES – The Borough Clerk had nothing new to report regarding this item.

5) (STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – (waiting for information from Borough Attorney as to how to proceed. The next meeting of the Board of Ethics is scheduled to take place on Thursday, 5/10/12 @ 8:30 p.m.

LFN 2012-8 was sent to the Chairman of the Board on 4/4/12 via e-mail - page 8 indicates as follows: ...for a municipality or county that has established an ethics board, the local ethics boards are required to make the forms available to local government officers within their jurisdiction. Please forward this communication to representatives of our local ethics board for necessary action. The board does not have direct contact information for local ethics boards. The next scheduled meetings

for the Board of Ethics are 5/10/12 and 6/14/12; they will have to take action quickly as, after that, no meetings are scheduled until 10/11/12 and 12/13/12. Deadline for Municipal Clerk to e-mail the FDS is by 6/29/12.)

6) STATUS REPORT RE PAPERLESS PACKETS – The Borough Clerk informed we are still waiting patiently; and she believes her June estimate will be accurate.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

- 7) STATUS REPORT RE ELECTIONS – Ms. Castano reported as follows:
a. Primary to be held 6/5/12 from 6 a.m. to 8 p.m.

Last day to register to vote is Tuesday, 5/15/12; therefore, our office will be open to the public from 9 a.m. to 9 p.m.; and Wednesday, 5/16/12, we will have to hand-deliver the voter registrations to the County.

8) REPORT – The Borough Clerk reported we are compiling a group of ten ordinances which have been adopted to date to send to General Code for listing on our Web site as “Legislation not yet codified”.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported the DEA prescription program was very successful; we received three full garbage cans of expired medications which were turned over to the DEA the following Monday. The Chief reminded we received a grant for “Click It or Ticket” which is on the Agenda this evening. Once that is approved, they can advertise it and start implementing the details. He said they have some details planned already. Chief Kaine reported we are doing the Drunk Driving Enforcement details that take place usually on Friday and Saturday nights. He reported the Department is very successful with these details.

Chief Kaine reported that the County is paving Piermont Road and Anderson Avenue; it doesn’t really affect us; but Piermont Road southbound from Closter Dock Road will be closed Wednesday and Thursday for milling. The following week the same location will be closed for paving. The Chief reported they have not had any issues working with the contractor for the sidewalk program. Mayor Heymann informed she is receiving some glowing reports about the new sidewalks.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS: Mayor Heymann informed there was nothing new to report regarding the following grants at this time.

a. FILED

1. 2012 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11
2. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – LAND ACQUISITION IN THE AMOUNT OF \$283,000 FOR THE PURCHASE OF BLOCK 1805, LOT 1, COMMONLY KNOWN AS THE CLOSTER SWIM CLUB AT BLANCH AVENUE (RM 8/10/11)
3. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – MUNICIPAL PARK IMPROVEMENTS – MATCHING GRANT IN THE AMOUNT OF \$40,000 FOR SCHAUBLE AND MEMORIAL PARK IMPROVEMENTS (RM 8/10/11)
4. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM SUPPORTING THE DESIRE OF THE ENVIRONMENTAL

COMMISSION TO OBTAIN A GRANT IN A MAXIMUM AMOUNT OF \$25,000 TO FUND THE EXTENSION OF THE CROSS CLOSTER TRAIL PROJECT; SAID GRANT PROGRAM REQUIRES A CASH MATCH OF 20% OF THE AMOUNT AWARDED OR A MAXIMUM AMOUNT OF \$6,250.00 (Authorized RM 2/8/12)

5. DEPARTMENT OF ENVIRONMENTAL PROTECTION IN AN AMOUNT NOT TO EXCEED \$3,000.00 TO FUND THE FOLLOWING PROJECT: COMMUNITY FORESTRY MANAGEMENT PLAN, GREEN COMMUNITIES GRANT (50% match of total project amount) (Authorized RM 2/22/12)

7. REPORTS (Continued)

D. MAYOR (Continued)

- 1) STATUS REPORT RE FOLLOWING GRANTS: (Continued)

b. AWARDED

1. CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10) (Award received 11.M.L. 7/7/11) (Contract authorized for execution/RM 10/12/11)
2. 2010 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Municipal Park Improvement Program/Purchase of Playground Equipment/Memorial Park - \$37,500/match – RM 9/22/10) (Contract authorized for execution/RM 10/12/11)

c. TO BE FILED - To be announced by Mayor

2) REPORT – Mayor Heymann reported the Food Pantry is going to have a food drive at the A&P which will be run by the Boy Scouts (5/12/12). A week later they will be having a teachers vs. police softball benefit for our Food Pantry. The Mayor informed that in addition, a number of churches and synagogues have been contributing and they have been very generous.

Mayor Heymann reported that tomorrow evening we will be receiving another Historic Preservation commendation award. She said there are only seven towns out of the 70 in the entire county that are receiving awards. The Mayor invited all to attend at the Bergen County Court House; in the past that was always the church across the street, at 7 p.m.

Mayor Heymann informed that we have been asked by the program *Discover America* to potentially participate; and they will ask us a lot of questions and then come back with more questions later. It will be 5 minutes under Terry Bradshaw featuring the best small towns to live in; and Closter was nominated for that. The Mayor voiced her vision of having a TV crew come to town to film and take pictures and the Borough would receive money for same; when in fact, she informed the program wants the Borough to pay \$19,500 to be featured. She said there are a lot of towns that are participating. The Mayor encouraged everyone to look the program up on the internet and read up on it. In answer to Mr. Glidden, the Mayor offered the suggestion to ask the Chamber of Commerce if they were interested and they would pay for it. She said if it is on national TV once and regional TV 19 times as we have been told, it would be excellent PR for the Borough. She reminded they may not even choose us, but she wanted everyone to be informed.

Mayor Heymann reiterated, as she had answered in an earlier question, that the Borough has been provided their Standard & Poor's rating. She said they specifically felt our surplus was adequate; it is a good rating for a town our size; and, in fact, they would consider raising it if the surplus went up. The Mayor voiced her opinion that it really speaks volumes for good financial management.

At this time, Mayor Heymann informed she has some issues to discuss regarding the cell tower; and said in order to retain all of our Council, she would like them to authorize a Closed Session immediately after the Work Session.

8. OLD BUSINESS

9. NEW BUSINESS

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – MAY 9, 2012 - 7:30 P.M.

Borough Engineer requested a Resolution authorizing the bid on a local aid project for the next meeting. He said the resolution would incorporate the local aid paving project, the Borough paving project and the Schauble path project. The Borough Administrator said he would prepare same.

Borough Attorney requested inclusion of a memorializing resolution this evening filing the complaint before the Farm Board. The Borough Clerk requested this item be added as Item No. 21b. on the Consent Agenda.

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

Motion to adjourn the Work Session at 9:18 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on May 18, 2012 for
approval at the Regular Meeting
to be held May 23, 2012

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held May 23, 2012
Consent Agenda Item No. 14b.