

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 26, 2017 - 7:30 P.M

Mayor Glidden called the meeting to order at 8:36 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 Annual Notice of Meetings which was published in The Record and The Star Ledger on January 9, 2017, 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.

2. ROLL CALL

The following persons were present:

- Mayor John C. Glidden, Jr.
- Councilpersons David Barad, Alissa Latner, Robert Di Dio, Joseph Yammarino, Jannie Chung and Victoria Amitai
- Borough Administrator, Arthur Braun Dolson
- Borough Attorney, Edward Rogan
- Borough Clerk, Loretta Castano
- Borough Auditor, Gary Vinci
- Borough Engineer, Nick DeNicola

The following persons were absent:

- Chief of Police, Dennis Kaine

3. MAYORAL PROCLAMATION DECLARING APRIL 28, 2017 AS 2017 ARBOR DAY IN THE BOROUGH OF CLOSTER (Received from Mayor’s office 4/20/17)

Mayor Glidden read and so declared.

3a. SOCCER PRESENTATION (Requested by Mayor Glidden’s office 4/24/17)
This Presentation was made in the Work Session.

4. MAYORAL APPOINTMENT(S) TO THE FOLLOWING BOARDS/COMMISSIONS:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
Environmental Commission				
Member/Shade Tree Liaison	<u>Brian Stabile</u> (Elected to Council)	<u>NO APPOINTMENT</u>	3 Years Unexp. (Stabile)	31-Dec-17
Associate Member	<u>Arthur Goldberg</u> (Dep. 3/6/17)	<u>NO APPOINTMENT</u>	1 Year Unexp. (Goldberg)	31-Dec-17
Planning Board				
Class II/Rep. Gov’t of Closter	<u>Gary Montroy</u> (Resigned)	<u>NO APPOINTMENT</u>	1 Year Unexp. (Montroy)	31-Dec-17
Alternate No. 2	<u>Ansar Batool</u> (Moved to Class IV RM 3/8/17)	<u>NO APPOINTMENT</u>	2 Years Unexp. (Batool)	31-Dec-17
Shade Tree Commission				
Member/Environmental Commission Liaison	<u>Brian Stabile</u> (Elected to Council)	<u>NO APPOINTMENT</u>	5 Years 3 Years Unexp. (A. Ix)	31-Dec-21
Alternate No. 1	<u>Wanda Hollender</u> (Did not accept appointment)	<u>NO APPOINTMENT</u>		31-Dec-17

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

This Ordinance was introduced at the Regular Meeting held 4/12/17, and was published in The Record issue of 4/15/17, as stated in the Municipal Clerk’s affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements, and copies have been made available to the general public.

ORDINANCE NO. 2017:1224, “A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$28,000 FOR THE ACQUISITION OF TURNOUT GEAR FOR THE FIRE DEPARTMENT TO BE UNDERTAKEN BY THE BOROUGH OF CLOSTER AND TO APPROPRIATE \$28,000 FROM GENERAL CAPITAL SURPLUS”

Mayor Glidden opened the public hearing.

Borough Administrator advised that at this time the Department has seven (7) new firemen and would need to be outfitted.

No one else wishing to be heard Mayor Glidden closed the public hearing.

Motion approving Ordinance No. 2017:1224 was made by Councilman Barad, seconded by Councilman Di Dio and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Yammarino, Chung and Amitai.

6. RESOLUTION RE WAIVER OF READING IN FULL OF THE 2017 MUNICIPAL BUDGET, PURSUANT TO N.J.S.A. 40A:4-8

Borough Auditor explained that the waiver is necessary because even though the governing body will still be having the public hearing on the Budget, prior to the hearing, you need to approve the waiver of reading the entire budget.

Motion of Approval was made by Councilman Barad, seconded by Councilman Di Dio and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Yammarino, Chung and Amitai.

7. PUBLIC HEARING AND ADOPTION OF THE 2017 MUNICIPAL BUDGET AND RELATED RESOLUTIONS @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The Municipal Budget was introduced at the Regular Meeting held 3/22/17; and the Municipal Budget Summary was published in The Record issue of 3/28/17, as stated in the printer’s affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board in accordance with statutory requirements, was posted on the Municipal Web Site pursuant to N.J.S.A. 40A:4-10; and copies have been made available to the general public.

Borough Auditor said that the introduced budget was a preliminary budget of \$15,936,000, an increase from the 2016 Municipal Budget of \$15,542,000; an increase of approximately \$393,000 and the proposed tax levy from this budget was an increase of \$216,000 which was under the State mandated 2% CAP. Converting the proposed increase to the impact on a house assessed at \$675,000 would mean approximately \$58 more this year. Some of the major increases are due to a health insurance of \$58,000, funding for a rolling reassessment of approximately \$100,000, pension costs administered by the State of New Jersey would be increasing \$55,000 and debt service would be increasing by \$95,000. The budget has utilized \$1,340,000 of the year-end surplus which was just over \$2,200,000, which is the highest amount over the last 10 years. The reason for the increase in the surplus is the tax collection rate, which is incredibly strong. The collection rate last year was 99.2%, which is the highest in the last 10 years. The hearing would be held this evening and there is a proposed amendment increasing several line items over 10%, requiring a separate hearing; therefore, the adoption of the budget would be delayed until the meeting of 5/10/17.

Mayor Glidden opened the public hearing. No one wishing to be heard, Mayor Glidden closed the public hearing.

8. RESOLUTION RE SELF EXAMINATION OF CY 2017 BUDGET (Requested by Auditor 4/19/16) TO BE PREPARED BY BOROUGH AUDITOR

This matter was tabled until next meeting. Borough Auditor advised that once every three years the State reviews the budget and the other two years the budget is certified by the Chief Financial Officer. The resolution is tabled because one of the requirements is that all public hearings have been held. The amendment would be voted on this evening and the hearing held on May 10th.

9. RESOLUTION RE AMENDMENT TO THE 2017 MUNICIPAL BUDGET – PUBLIC HEARING AND ADOPTION – 5/10/17 @ 8 P.M. 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Requested by Auditor 4/19/17/Received from Auditor 4/20/17)

Motion of approval was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Yammarino, Chung and Amitai.

10a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item No. 18a was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Yammarino, Chung and Amitai.

RESOLUTIONS

11. RESOLUTION MEMORIALIZING THE DECISION AT THE PUBLIC MEETING HELD 4/12/17 TO WAIVE THE SIDEWALK REQUIREMENT OF CLOSTER CODE SECTION 171-29A(2) FOR PROPERTY AT 95 OAK STREET (13. M.L. 3/23/17 discussed at WS 4/12/17 / Received from Borough Attorney 4/20/17)
12. RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO CONTINUE PHASE II CONTAMINATION INVESTIGATION FOR AN AMOUNT NOT TO EXCEED \$16,220 (Received from Borough Attorney 4/20/17)
13. RESOLUTION MEMORIALIZING DECISION AT THE PUBLIC MEETING HELD 4/12/17 TO NAME THE BUZZONI TRAIL THE SOPHIE HEYMANN TRAIL (Received from Borough Attorney 4/20/17)
14. RESOLUTION MEMORIALIZING DECISION AT THE PUBLIC MEETING HELD 4/12/17 TO NAME A CONSERVATION ZONE TRAIL THE ARTHUR FRANK GOLDBERG TRAIL (Received from Borough Attorney 4/20/17)
15. RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF (*INACTIVE/POCKET*) PLENARY RETAIL DISTRIBUTION LICENSE NO. 0207-44-008-003 FROM THE GREAT ATLANTIC AND PACIFIC TEA CO. INC., DEBTOR IN POSSESSION TO CLOSTER WINE & SPIRITS, INC.
16. RESOLUTION SETTING FEE OF \$942.58 FOR SEWER SERVICE TO ALPINE PROPERTIES FOR CALENDAR YEAR 2017 (Received from Administrator’s Office 4/20/17)
17. RESOLUTION AUTHORIZING THE HIRING OF ONE DPW EMPLOYEE (CHRISTOPHER RILLEAU – SANITATION/COLLECTOR TIER 2, NON-CDL AT A SALARY OF \$43,025.00 PER ANNUM PURSUANT TO COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 125 TEAMSTERS, EFFECTIVE MAY 1, 2017) Received from Administrator’s Office 4/20/17
18. RESOLUTION GRANTING USE OF CLOSTER COUNCIL CHAMBERS TO BE UTILIZED BY BERGEN COUNTY BOARD OF ELECTIONS FOR CLASSES ON MAY 4, 2017
- 18a. *RESOLUTION (NO. 3) ESTABLISHING EMERGENCY TEMPORARY BUDGET APPROPRIATIONS FOR 2017 (Received from Assistant CFO 4/26/17)
 REQUIRING 2/3 MAJORITY - TO BE VOTED UPON SEPARATELY

MOTIONS

19. MOTION APPROVING THE FOLLOWING *SALARIED* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/3/17:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
Planner to Implement Portions of the 2008 Master Plan	Caroline Reiter P.P., AICP Christopher P. Statile, PA	NO APPOINTMENT	1 Year	31-Dec-17

20. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/3/17:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
Board of Health			2 Years Unexp.	
Alternate No. 2	<u>Vacant</u>	NO APPOINTMENT	(Vacant)	31-Dec-17

21. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 4/20/17) ABSTENTION: DI DIO
 - a. REGULAR MEETING HELD APRIL 12, 2017
 - b. WORK SESSION HELD APRIL 12, 2017

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – APRIL 26, 2017 – 7:30 P.M.

22. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENT(S):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
Historian	<u>Arthur Goldberg</u> (Dep. 3/6/17)	<u>NO APPOINTMENT</u>	1 Year Unexp. (Goldberg)	31-Dec-17
Zoning Board of Adjustment				
Alternate No. 3	<u>Mindy Rothbaum</u> (Did not accept appointment)	<u>NO APPOINTMENT</u>	2 Years	31-Dec-18

23. REPORTS
 (None provided at the time of preparation of this Agenda)

24. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

18a. *RESOLUTION (NO. 3) ESTABLISHING EMERGENCY TEMPORARY BUDGET APPROPRIATIONS FOR 2017 (Received from Assistant CFO 4/26/17) *REQUIRING 2/3 MAJORITY - TO BE VOTED UPON SEPARATELY*

Motion of approval was made by Councilman Yammarino, seconded by Councilman Barad and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Yammarino, Chung and Amitai.

25. 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 Glidden opened the meeting to the public. No one wishing to be heard, Mayor Glidden closed the meeting to the public.

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

In answer to Councilwoman Amitai, Borough Administrator advised that the signs for the trails would be determined after inspection of the areas in question. Borough Attorney noted that input from the Nature Center would be requested; and even though the Conservation Zone is not part of the Nature Center, they do oversee same.

Motion approving the following resolution at 8:55 p.m. was made by Councilman Di Dio, seconded by Councilwoman Latner and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Yammarino, Chung and Amitai.

26a. 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.A.A. 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations”; and that the item under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 15 weeks.

Mayor Glidden resumed the Regular Meeting at 9:35 p.m.

27. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:35 p.m. was made by Councilman Barad, seconded by Councilwoman Latner and declared unanimously carried by Mayor Glidden.

Provided to the Mayor and Council on
 May 4, 2017 for approval at the
 Regular Meeting to be held
 May 10, 2017

Loretta Castano, RMC
 Borough Clerk

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

Approved at the Regular Meeting held May 10, 2017
 Consent Agenda Item No. 22a.

**BOROUGH OF CLOSTER
2017 ARBOR DAY PROCLAMATION**

WHEREAS, the last Friday in April of each year has been established as Arbor Day in the State of New Jersey, but municipalities are free to celebrate on other dates; and

WHEREAS, all New Jersey residents are encouraged to support Arbor Day by planting trees and shrubs; and


WHEREAS, trees are a gift to our children and their children, therefore, New Jersey's citizens are encouraged to celebrate life and plant a gift for future generations; and

WHEREAS, trees are an increasingly vital resource that enrich our lives by purifying the air, reducing erosions of our soil by wind and water, conserving water and energy, serving as recreational settings, and providing habitat for wildlife of all kinds; and

WHEREAS, trees increase property values and create beautiful landscapes as ever so evident in our own beautiful Borough; and

WHEREAS, trees wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, John C. Glidden, Jr., Mayor of the Borough of Closter, County of Bergen, State of New Jersey, do hereby proclaim Friday, April 28th, 2017 as Arbor Day in the Borough of Closter. Tree City USA flags will fly at the Borough buildings during the month of April and the Shade Tree Commission will plant trees at Closter's public schools with the participation of Closter's students. All citizens are encouraged to support our efforts to protect our trees and woodlands by participating in the ceremonies and planting of trees through the month of April.



John C. Glidden, Jr.
Mayor

Attest:

Loretta Castano, Borough Clerk

BOROUGH OF CLOSTER

RESOLUTION ADOPTING ORDINANCE NO. 2017:1224

WHEREAS, public notice has been given by the Borough Clerk of the Borough of Closter that an Ordinance entitled:

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$28,000 FOR THE ACQUISITION OF TURNOUT GEAR FOR THE FIRE DEPARTMENT TO BE UNDERTAKEN BY THE BOROUGH OF CLOSTER AND TO APPROPRIATE \$28,000 FROM GENERAL CAPITAL SURPLUS

was introduced and passed at a meeting held on April 12, 2017 and that further consideration of said ordinance for final passage and the hearing of all persons interested in said ordinance would be conducted at this meeting; and

WHEREAS, all persons interested were given an opportunity to be heard concerning such ordinance;

NOW, THEREFORE, BE IT RESOLVED that said ordinance pass final reading and be published according to law.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad		X	X			
Councilwoman Latner			X			
Councilman Di Dio	X		X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			

Adopted: April 26, 2017

ATTEST:

APPROVED:



 Loretta Castano, Borough Clerk



 John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

 Loretta Castano, Borough Clerk

**BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2017:1224**

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$28,000 FOR THE ACQUISITION OF TURNOUT GEAR FOR THE FIRE DEPARTMENT TO BE UNDERTAKEN BY THE BOROUGH OF CLOSTER AND TO APPROPRIATE \$28,000 FROM GENERAL CAPITAL SURPLUS

BE IT ORDAINED, by the Governing Body of the Borough of Closter, in the County of Bergen, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The costs described in Section 2 of this Ordinance are hereby respectively authorized to be made by the Borough of Closter, New Jersey, for the said improvements or purposes stated in Section 2, that are hereby appropriated the respective sum of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made thereof and amounting in the aggregate to \$28,000 which is now available from General Capital Surplus.

SECTION 2. The Borough of Closter, in the County of Bergen, State of New Jersey, is hereby authorized to provide for the acquisition of turnout gear for the Fire Department.

SECTION 3. It is hereby determined and stated:

(a) That said purpose is not a current expense. That the same is an improvement which the municipality may lawfully make and that no part of the cost of said improvement has been or shall be specifically assessed on properties specifically benefited.

(b) It is not necessary to finance said purpose by the issuance of obligations by the Borough of Closter pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the costs thereof shall be available from General Capital Surplus in the amount of \$28,000.

SECTION 4. The Capital Budget of the Borough of Closter is hereby amended or established to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended or temporary capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available for public inspection.

SECTION 5. The sum of \$28,000 is hereby appropriated for the aforementioned purpose.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said purposes, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.


SECTION 7. This Ordinance shall take effect after publication thereof and final passage as required by law.

Councilperson	Motion	Second	Aye	Nay	Absent
Councilman Barad		X	X		
Councilwoman Latner			X		
Councilman Di Dio	X		X		
Councilman Yammarino			X		
Councilwoman Chung			X		
Councilwoman Amitai			X		

Introduced: April 12, 2017
Adopted: April 26, 2017

ATTEST:


Loretta Castano, RMC, Borough Clerk


John C. Glidden, Jr., Mayor

Certified to be a true copy of an Ordinance adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

Loretta Castano, Borough Clerk

**BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
WAIVER OF READING IN FULL OF THE 2017 MUNICIPAL BUDGET**

WHEREAS, N.J.S.A. 40A:4-6 requires the Municipal Budget to be advertised in full or in summary as provided in section 12 of P.L. 1995, c.259 (C.40A:4-6.1); and

WHEREAS, N.J.S.A. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the public hearing, and at the public hearing, a complete copy of the approved Budget shall:

- a. be made available for public inspection, and
- b. be made available to each person upon request; and

WHEREAS, the Borough of Closter has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED that reading in full of said Municipal Budget of the Borough of Closter for the year ending December 31, 2017 be waived as allowed under the Statute.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad	X		X			
Councilwoman Latner			X			
Councilman Di Dio		X	X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			


Adopted: April 26, 2017

ATTEST:



Loretta Castano, Borough Clerk

APPROVED:



John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

Loretta Castano, Borough Clerk

**BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 9**

Resolution Re: Amendment to 2017 Budget

WHEREAS, the local municipal budget for the year 2017 was approved on the 22nd day of March, 2017, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Closter, County of Bergen, that the following amendments to the approved budget of 2017 be made:

Recorded Vote

Ayes	(Barad (Latner (DiDio (Yammarino (Chung (Anitai	Nayes	(None ((((Abstained	(None ((Absent	(None ((
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	<u>From</u>	<u>To</u>
ANTICIPATED REVENUES		
Miscellaneous Revenues - Section F: Public and Private Revenues Offset with Appropriations		
Drunk Driving Enforcement Fund	\$ -	\$ 2,852
Total Miscellaneous Revenues - Section F: Public and Private Revenues Offset with Appropriations	30,769	33,621
Total Miscellaneous Revenues	2,708,149	2,711,001
Subtotal General Revenues	4,298,149	4,301,001
Amount To Be Raised by Taxes for Support of Municipal Budget		
Local Tax For Municipal Purposes	10,929,431	10,950,431
Total Amount to Be Raised By Taxes for Support of Municipal Budget	11,637,879	11,658,879
Total General Revenues	\$ 15,936,028	\$ 15,959,880
GENERAL APPROPRIATIONS		
Operations - Within "CAPS"		
Financial Administration		
Other Expenses	\$ 69,600	\$ 72,400
Tax Assessment Administration		
Other Expenses	114,875	115,675
Planning Board		
Other Expenses	16,750	24,750
Police Department		
Other Expenses	100,900	102,300
Aid to Mental Health	-	1,000
Construction Code		
Other Expenses	6,700	13,700
Total Operations Within "CAPS"	9,695,452	9,716,452
Total Operations Including Contingent Within "CAPS"	9,695,452	9,716,452
Detail: Other Expenses	3,916,401	3,937,401
Total General Appropriations for Municipal Purposes Within "CAPS"	10,920,452	10,941,452
Operations Excluded From "CAPS"		
Public and Private Programs Offset by Revenues		
Drunk Driving Enforcement Fund	-	2,852
Total Public and Private Programs Offset by Revenues	30,769	33,621
Total Operations Excluded From "CAPS"	2,013,885	2,016,737
Detail: Other Expenses	2,013,885	2,016,737
Total General Appropriations Excluded From "CAPS"	4,140,576	4,143,428
Subtotal General Appropriations	15,061,028	15,084,880
Total General Appropriations	\$ 15,936,028	\$ 15,959,880

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2017 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with NJSA 40:4-9 be published in the Record in the issue of May 2, 2017, and that said publication contain notice of a public hearing on said amendment to be held at Borough Hall on May 10, 2017 at 7:30 pm.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Borough Council on the 26th day of April, 2017.

Introduced by: D. Barad

Seconded by: V. Amitai Approved:

ATTEST:
Certified by me

Municipal Clerk



Mayor

It is hereby certified that the approved budget amendment annexed hereto and hereby made a part is an exact copy of the original on file with the Municipal Clerk of the Governing Body, that all additions are correct. All statements contained herein are in proof and the total of anticipated revenues equal the total of appropriations.

Certified by me, this 26th day of April, 2017

Gary J. Vinci

Registered Municipal Accountant

BOROUGH OF CLOSTER
RESOLUTION MEMORIALIZING THE DECISION TO WAIVE THE SIDEWALK REQUIREMENT OF CLOSTER CODE FOR PROPERTY AT 95 OAK STREET

WHEREAS, a representative for the owner of the property located at 95 Oak Street has requested a waiver of the Borough’s sidewalk and curb requirements pursuant to Closter Code Section 171-29A(2); and

WHEREAS the request was made via letter dated 3/13/17 which was number 13 on the 3/23/17 Mail List and was discussed at the Public Meeting held on 4/12/17; and

WHEREAS, it was determined that the sidewalk requirements would be waived subject to the property owner making a contribution of \$3,200.00 to the Borough’s sidewalk fund but the curb requirement would not be waived; and

WHEREAS, the Borough Engineer was in agreement with this decision due to the fact that the property is located on a dead end street and no sidewalks are presently installed on either side of the street.

NOW, THEREFORE, BE IT RESOLVED THAT THIS MEMORIALIZES THE DECISION MADE AT THE APRIL 12, 2017 PUBLIC MEETING by the Mayor and Council of the Borough of Closter that:

1. The Borough’s sidewalk requirement for the property located at 95 Oak Street are hereby waived subject to the property owner making a contribution of \$3,200.00 to the Borough’s sidewalk fund but the curb requirement is not waived.
2. The Borough Clerk shall forward a copy of this resolution to the Property owner’s representative, Mr. Edilberto G. Jimenez, Triangle Solutions Specialists, LLC, 3 Jays Court, Closter, NJ 07624 and to the Building Department.


Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad	X		X			
Councilwoman Latner		X	X			
Councilman Di Dio			X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			

Adopted: April 26, 2017

ATTEST:


 Loretta Castano, Borough Clerk

APPROVED:


 John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

 Loretta Castano, Borough Clerk

**BOROUGH OF CLOSTER
COUNTY OF BERGEN
RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO CONTINUE
PHASE II CONTAMINATION INVESTIGATION FOR AN AMOUNT NOT TO
EXCEED \$16,220**

WHEREAS, at the public meeting held on April 12, 2017, the Mayor and Council discussed the progress of the phase II contamination investigation at the site commonly referred to as the Swim Club in the Borough with the Borough Engineer; and

WHEREAS, the Borough Engineer indicated there was a need for continued investigation during this second stage of the project and the cost for this investigation was estimated to be \$16,220; and

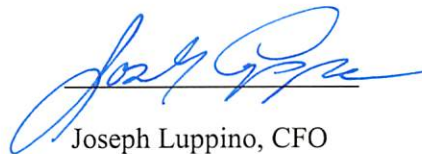
WHEREAS, it was determined that it was in the best interest of the health, safety and welfare of the residents to authorize the Borough Engineer to perform the recommended investigation at a cost not to exceed \$16,220; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter that the Borough Engineer is hereby authorized to continue phase II contamination investigation at the Swim Club site for an amount to exceed \$16,220.

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Joseph Luppino, Chief Financial Officer of the Borough of Closter, hereby certify, pursuant to N.J.S.A.40A:-9140.1, et seq. and N.J.A.C 5:30-5.4, that the funds, which are required for the **Swim Club Remediation** are available to the Borough of Closter in account C-04-15-188-010-001 and c-04-11-088-050-300.

April 26, 2017


Joseph Luppino, CFO

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad	X		X			
Councilwoman Latner		X	X			
Councilman Di Dio			X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			

Adopted: April 26, 2017

ATTEST:


Loretta Castano, Borough Clerk

APPROVED:


John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

Loretta Castano, Borough Clerk



April 5, 2017

Chris E. Arntz, P.E., P.P., LSRP
Boswell Engineering
330 Phillips Avenue
South Hackensack, NJ 07606-1722

**RE: REVISED PROPOSAL FOR ECOLOGICAL RISK ASSESSMENT SUPPORT;
CLOSTER SWIM CLUM; BOROUGH OF CLOSTER; BERGEN COUNTY; NJ
AMEC FOSTER WHEELER PROPOSAL NR. 17-NJ-0017**

Dear Chris;

Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler) is pleased to provide this revised proposal to you and Boswell Engineering (Boswell) for ecological risk assessment support at the Closter Swim Club located in the Borough of Closter. This proposal was originally prepared based on the e-mail information that you provided to me, as well as the results of our meeting of February 27 held at your office. Additionally, this proposal considers sampling data that you provided to me in an e-mail dated July 29, 2015. This proposal presents Amec Foster Wheeler's basic scope of work and a cost estimate for those services. It has been revised from our 2015 proposal to account for personnel changes and billing rate adjustments.

ABOUT AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC.

The basis for many environmental regulations is the protection of public health and the environment. To that end, Amec Foster Wheeler provides risk assessment services for both human and ecological receptors. Ecological and human health risk assessments can range from simple calculations to complex analyses based on data from multi-year studies. Amec Foster Wheeler's approach is to evaluate your risk assessment needs, and then provide clear and strategic advice on how to evaluate and manage those needs. Our risk assessment staff is one of the most experienced groups at any firm and has evaluated human and environmental health risk in a wide array of settings. We understand how to use risk assessment to strategically evaluate your site, and can focus the appropriate level of resources on the most critical aspects of your risk assessment. You are assured quality and cost-effectiveness throughout your project because Amec Foster Wheeler's risk assessors are involved from the initial planning of projects through the selection of risk management options. Our approach assures that data and resource needs are identified at the outset; with risk management objectives kept in the forefront, thereby eliminating the collection of unnecessary and often expensive data.

Amec Foster Wheeler
Environment & Infrastructure, Inc.
285 Davidson Avenue, Suite 405
Somerset, New Jersey 08873
Tel (732) 302-9500
Fax (732) 302-9504

www.amecfw.com

From a New Jersey perspective, personnel at Amec Foster Wheeler are extremely knowledgeable in the ecological risk practices mandated under the New Jersey Department of Environmental Protection (NJDEP) *Technical Requirements for Site Remediation* (TRSR) (N.J.A.C. 7:26E). I was the lead stakeholder in the development of the *Ecological Evaluation Technical Guidance* issued in support of the Licensed Site Remediation Professional (LSRP) program. The *Ecological Evaluation Technical Guidance* document outlines a two-tier program for the evaluation of potential ecological risks associated with a site and suggested approaches for the LSRP to address those risks as part of a remedial action, if warranted. Amec Foster Wheeler risk assessment personnel located in Somerset, New Jersey have conducted more than 150 EEs and BEEs in accordance with the Guidance Document at sites ranges in size from simple gasoline service stations to complicated industrial facilities that are hundreds of acres in size. Additionally, the Somerset risk team has supported a number of ecological risk assessments for NJ sites, as well as a variety of risk assessment projects under the CERCLA program. The Somerset team has an excellent working relationship with the ecological support staff for the NJDEP and is an advocate for our clients; providing cost-effective, scientifically supported work to resolve problems.

Following is a representative sampling of the BEEs that Amec Foster Wheeler has conducted throughout the state, including the affected resources and the size of the site:

<u>County</u>	<u>Site</u>	<u>Size (in acres)</u>	<u>Environmental Resources</u>
Bergen	Commercial facility	3	surface soil
Camden	Industrial facility	10	surface soil, surface water, sediments
Cape May	Former MGP facility	20	surface soil, surface water, sediments
Essex	Industrial facility	5	surface soil, surface water, sediments
Essex	Commercial facility	3	surface soil
Essex	Industrial facility	7	surface soil
Essex	Commercial facility	2	surface soil, surface water, sediments
Essex	Rail yard	50	surface soil
Essex	Rail yard	40	surface soil
Gloucester	Refinery	900	surface soil, surface water, sediments
Gloucester	Hazardous waste site	32	surface soil, surface water, sediments
Hunterdon	Oil terminal	15	surface soil, surface water, sediments
Hunterdon	Retail gas station	1	surface water, sediments
Middlesex	Industrial facility	10	surface soil, surface water, sediments
Middlesex	Construction facility	20	surface soil, surface water, sediments
Monmouth	Industrial facility	25	surface soil, surface water, sediments
Monmouth	Industrial facility	15	surface soil, surface water, sediments
Monmouth	Rail yard	70	surface soil, wetlands
Somerset	Fire training facility	5	surface soil, surface water, sediments
Somerset	Retail gas station	2	surface soil
Union	Refinery	1,300	surface soil, surface water, sediments
Union	Commercial facility	5	surface soil

THE ECOLOGICAL RISK ASSESSMENT PROCESS IN NJ

The NJDEP TRSR states that all sites in New Jersey that are managed under the Site Remediation Program (SRP) must be evaluated for potential ecological impacts utilizing a phased approach. As outlined in the TRSR, as modified by the Site Remediation Reform Act (SRRRA) and Administrative Requirements for Remediating Contaminated Sites (ARRCS), the first step in

evaluating potential ecological risks associated with a site is the preparation of an Ecological Evaluation pursuant to N.J.A.C. 7:26E-1.16.

The EE is to be conducted by experienced biologists familiar with New Jersey natural resources and U.S. Environmental Protection Agency guidance on ecological assessments. The objectives of the EE are to: 1) identify Environmentally Sensitive Natural Resources (ESNRs) and potential ecological receptors on and immediately adjacent to the Site; 2) identify chemical migration pathways to any ESNRs and document observations of potential impact which may be attributable to the presence of chemicals; and 3) evaluate the nature of chemicals detected at the site and identify Constituents of Potential Ecological Concern (COPECs) which may adversely impact ecological receptors. In the EE, this is done through a site visit to identify and characterize ESNRs and the conservative screening of identified COPECs against ecologically relevant screening benchmarks.

The EE evaluates the potential for ecological impacts from the presence of COPECs at the Site. The EE is intended to be qualitative in nature and is based on sampling results obtained during the site investigation. The results of the EE are intended to assess the *potential* for ecological effects from the exposure of ESNRs to COPECs and to focus future investigations, if needed. The EE will identify whether an ecological risk assessment is necessary. Continued investigations are required (N.J.A.C. 7:26E – 4.7) if, and only if, the EE indicates the co-occurrence of the following conditions:

1. COPECs exist on-site;
2. An ESNR exists on, or immediately adjacent to, the Site; and
3. Potential contaminant migration pathways to ESNRs exist or an impact to these areas is indicated based on visual observation.

All three conditions must be present for an ecological risk assessment to be required.

If an EE indicates that an Ecological Risk Assessment (ERA) is necessary, that step of the assessment process is conducted in accordance with N.J.A.C. 7:26E – 4.7. The regulatory objective of the ERA is to reduce uncertainty regarding any exceedances that were defined in the EE. The ERA is to be conducted by experienced biologists familiar with New Jersey natural resources and U.S. Environmental Protection Agency guidance on ecological assessments and is to be conducted in accordance with the NJDEP's *Ecological Evaluation Technical Guidance* (January 2015 Edition) for ESNRs associated with the Site. The protocols for conducting an ERA are to be outlined in a work plan that must be approved by the LSRP for the Site, unless the Site is under state oversight. The work plan must define the assessment and measurement endpoints that will be used in the completion of the ERA. Assessment endpoints are statements of the characteristics or attributes of the environment that are to be protected. Since assessment endpoints generally cannot be measured directly, measurement endpoints (sometimes known as measures of effects) must be identified as a means of indirectly evaluating the assessment endpoints. ERAs are generally completed through the execution of a variety of activities, including biological surveys, supplemental sampling, toxicity testing, bioassays and tissue analysis and modeling.

PROJECT UNDERSTANDING

Amec Foster Wheeler understands that Boswell is addressing environmental liabilities at the Closter Swim Club site under LSRP rules. Amec Foster Wheeler understands that preliminary

sampling has indicated the presence of PCBs at general concentrations ranging from 0.2 ppm to 10 ppm; though an outlier of 40 ppm has been identified in a wetland area adjacent to the Site. The Site is within the 100 year flood plain of the Dwars Kill and is associated with an extensive area of wetlands bordering the Kill. Boswell is working for the Borough of Closter, who has asked if a risk evaluation for wildlife could be conducted as a means to limit potential remedial actions at the site and as such minimize spending costs.

SCOPE OF WORK

Amec Foster Wheeler proposes to support ecological risk support to Boswell at the Closter site. Having had the opportunity to review the data that has been collected by Boswell, PCBs exist in the wetland areas at elevated concentrations above generic ecologically-based screening benchmarks. Additionally, it appears that the extent of PCB contamination has been defined in the wetlands area.

Based on the results, it appears that PCBs exist in the wetlands environment at levels that will require some remediation. Based on the high levels present in portions of the wetlands, it is doubtful that risk-based screening levels could be developed that would preclude remediation completely from the Site. However, risk-based cleanup levels that would be developed as part of an ecological risk assessment could serve to limit remediation at the site to those areas most requiring of excavation. To that end, Amec Foster Wheeler proposes to prepare an ecological risk assessment as outlined in Task 0100 below.

Task 0100 Ecological Risk Assessment

Amec Foster Wheeler will prepare an ERA suitable for submission to the Closter's site LSRP. The ERA will follow USEPA's risk assessment guidance (*Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments*). AMEC will prepare the ERA using the updated Site data, combined with literature-based toxicity and bioaccumulation information. The ERA would be prepared in draft format for review and comment by ESA. Finalization of the ERA assumes one round of comments.

As an Ecological Evaluation (EE) has not been conducted, Amec Foster Wheeler will prepare the ERA in such a manner that the requirements of the EE are completed. Generally, the EE is based on the simple screening of data against relevant ecological-based screening benchmarks. The ERA will include such screening and will note in the ERA those sections that are being completed to fill the requirements the EE.

As part of the preparation for the ERA, Amec Foster Wheeler will prepare an ecological risk assessment work plan (ERAWP) in memo format in accordance with NJDEP's *Ecological Evaluation Technical Guidance*. The plan will briefly detail all phases of the proposed study, including evaluation procedures, food-chain modeling approaches, biological metrics, and the measurement endpoints to which the data will be applied. The ERAWP Memo will be provided to the LSRP for approval.

PROPOSED COSTS

Amec Foster Wheeler has attributed the following costs to the tasks outline about.

Professional Level 623	12 hours @ \$185.00/hr.	\$2,220.00
------------------------	-------------------------	------------

Professional Level 613	92 hours @ \$95.00/hr.	\$8,740.00
Professional Level 609	40 hours @ \$70.00/hr.	\$2,800.00
Professional Level 608 (Drafting)	24 hours @ \$90.00/hr.	\$2,160.00
Labor Sub-Total		\$15,920.00
Expenses		\$300.00
TASK TOTAL		\$16,220.00

1. *Amec Foster Wheeler assumes that a brief site visit will be required;*
2. *AMEC assumes that one round of comments will be received and addressed on the draft ERA from Boswell in advance of submittal to the NJDEP*

This cost estimate is based upon the project conditions and scope of work described in this proposal. Variations in the site description, scope of work or project schedule as defined herein may require modification of the cost estimate, project schedule and/or the application report contents. Should these conditions be modified during the implementation of the project, no changes in the scope of work defined herein or charges in excess of the agreed-to total cost will be incurred without prior authorization from the client.

The cost estimate includes all Amec Foster Wheeler professional labor, administrative costs, travel and direct client expenses to be expended to complete the scope of work as defined in this proposal. All contract conditions and billing procedures will be in accordance with attached terms and conditions. The costs, terms and conditions stipulated in this proposal are valid for up to 60 days from the date of this proposal and will remain effective through the duration of any contract that is signed as a result of this proposal. Invoices will be submitted directly to Boswell.

PROJECT SCHEDULE

Amec Foster Wheeler can initiate this project immediately upon authorization to proceed by Boswell.

PROJECT MANAGEMENT

Amec Foster Wheeler believes that identifying a dedicated team to conduct an assessment is critical to ensuring that superior product quality is maintained, that project deadlines are met, and that costs are held within budget estimates. The proposed Amec Foster Wheeler project team has a balance of seasoned professionals skilled in ecological risk assessments and evaluations.

Charles R. Harman, P.W.S, will serve as manager for the ERA support. I manage the completion of ecological risk assessments and other natural resource evaluation activities conducted by Amec Foster Wheeler's Somerset, New Jersey office. I am a Principal Ecologist whose technical specialties include ecological risk assessment, natural resource damage assessment, wetlands management and ecological restoration. A terrestrial ecologist, I direct ecological risk assessment programs and wetland evaluations at a variety of hazardous waste sites and industrial facilities around the country. The focus of much of my work over the past 30 years has been on ecological issues within the State of New Jersey.

As an ecological risk assessor, I utilize my expertise in vertebrate zoology and physiology, botany, and applied and systems ecology in the development of natural resource assessments at hazardous waste sites, including sites managed under the CERCLA and RCRA programs. I have conducted biotic characterizations for hazardous waste sites located in freshwater wetlands and estuaries. I have managed projects to evaluate the extent of chemical contamination at hazardous waste sites and have conducted environmental liability and regulatory audits at diverse industrial and commercial facilities. Additional experience has included the peer review of manuscripts produced by other firms, meetings with federal and state regulators and participation in public meetings. I teach the Ecological Risk Assessment course for the Rutgers Continuing Education program, and was the lead stakeholder for the development of the *Ecological Evaluation Technical Guidance* document for the LSRP program.

I am a Professional Wetland Scientist and have worked as an environmental consultant in the northeast for 30 years. I have a Bachelor of Science degree in Wildlife Ecology from Texas A&M University and a Master's degree in Biology from Southwest Texas State University.

CONCLUSION

Thank you for the opportunity to assist you with this project. Please feel free to contact me to discuss any aspect of the project scope, cost or terms. If this proposal meets with your satisfaction, please execute the Terms and Conditions and return a copy to me.

Should you have any questions or comments, please do not hesitate to contact me at (732) 302-9500.

Sincerely,

AMEC FOSTER WHEELER
ENVIRONMENT & INFRASTRUCTURE



Charles R. Harman, P.W.S.
Principal Ecologist
Regulatory Service Line Manager

Attachment A

Terms and Conditions

PROFESSIONAL SERVICES AGREEMENT

PARTIES

This Agreement made this 3rd Day of August 2015, between:

Boswell Engineering

and

Amec Foster Wheeler Environment & Infrastructure, Inc.

330 Phillips Avenue
South Hackensack, NJ 07606

285 Davidson Avenue, Suite 405
Somerset, New Jersey 08873

Attn: Chris E. Arntz, P.E., P.P. LSRP

Attn: Charles R. Harman, Principal

hereinafter called "Client"

hereinafter called "Amec Foster Wheeler"

PROJECT

Client engages Amec Foster Wheeler to provide Ecological Risk Assessment services at the Closter Swim Club site.

SCOPE OF SERVICES

Amec Foster Wheeler agrees to perform services as follows:

Task 0100 Ecological Risk Assessment

Amec Foster Wheeler would prepare an ecological risk assessment as part of developing site specific cleanup goals for PCBs at the site.

Client agrees that all services not expressly included are excluded from Amec Foster Wheeler's Scope of Services.

COMPENSATION

XX Time and Materials:

For Task 0100, Amec Foster Wheeler proposes the following cost structure:

Professional Level 623	12 hours @ \$185.00/hr.	\$2,220.00
Professional Level 613	92 hours @ \$95.00/hr	\$8,740.00
Professional Level 609	40 hours @ \$70.00/hr.	\$2,800.00
Professional Level 608 (Drafting)	24 hours @ \$90.00/hr.	\$2,160.00

Labor Sub-Total	\$15,920.00
Expenses	\$300.00
TASK TOTAL	\$16,220.00

In addition to the Agreement amount, Client assumes full responsibility for the payment of any applicable sales, use, or value-added taxes under this Agreement, except as otherwise specified.

ATTACHMENTS

The listed attachments form part of this Agreement:

1. Proposal dated April 5, 2017
-

TERMS AND CONDITIONS

1. **AUTHORIZATION TO PROCEED.** The signing of this Agreement by the Client and Amec Foster Wheeler will serve as written authorization for Amec Foster Wheeler to proceed with the services called for in this Agreement.
2. **ENTIRE AGREEMENT.** This Agreement, including attachments incorporated herein by reference, represents the entire agreement between Amec Foster Wheeler and Client and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be altered only by written instrument signed by authorized representatives of both Client and Amec Foster Wheeler.
3. **CHANGES AND DELAYS.** Work beyond the scope of services or re-doing any part of the project through no fault of Amec Foster Wheeler, shall constitute extra work and shall be paid for on a time-and-materials basis in addition to any other payment provided for in this Agreement. In the event Amec Foster Wheeler's work is interrupted due to delays other than delays caused by Amec Foster Wheeler, Amec Foster Wheeler shall be compensated equitably (based on Amec Foster Wheeler's current Fee Schedule) for the additional labor or other charges associated with maintaining its work force for Client's benefit during the delay, or at the option of the Client, for charges incurred by Amec Foster Wheeler for demobilization and subsequent remobilization. If, during the course of performance of this Agreement, conditions or circumstances are discovered which were not contemplated by Amec Foster Wheeler at the commencement of this Agreement, Amec Foster Wheeler shall notify Client in writing of the newly discovered conditions or circumstances and the impact on the Agreement. Client and Amec Foster Wheeler agree to negotiate in good faith any changes to the price, terms and conditions or schedule of this Agreement. Client acknowledges and agrees that its use of any purchase order or other form to procure services is solely for administrative purposes and in no event shall Amec Foster Wheeler be bound to any terms and conditions on such form regardless of reference to or signature. Client shall endeavor to reference this Agreement on any purchase order (or any other form), but Client's failure to do so shall not operate to modify this Agreement.
4. **PAYMENT AND SUSPENSION.** Unless otherwise stated in the Proposal, invoices will be submitted by Amec Foster Wheeler either at the completion of the work or on a monthly basis and will be due and payable on the invoice date. Invoices not paid within thirty (30) days of the invoice date shall be

subject to a late fee of one and one-half percent (1.5%) per month computed at 31 days from the date of invoice. In addition, any collection fees, legal fees, court costs, and other related expenses incurred by Amec Foster Wheeler in the collection of delinquent invoice amounts shall be paid by CLIENT. **IN THE EVENT CLIENT DISPUTES ALL OR PART OF AN INVOICE, CLIENT MUST ADVISE AMEC FOSTER WHEELER IN WRITING WITHIN FIFTEEN (15) DAYS FROM INVOICE DATE. UNDISPUTED PORTIONS ARE SUBJECT TO PAYMENT WITHIN THIRTY (30) DAYS.** Amec Foster Wheeler may suspend performance of services under this Agreement if: 1) CLIENT fails to make payment in accordance with the terms hereof, 2) CLIENT becomes insolvent, enters bankruptcy, receivership, or other like proceeding (voluntary or involuntary) or makes an assignment for the benefit of creditors, or 3) Amec Foster Wheeler reasonably believes that CLIENT will be unable to pay Amec Foster Wheeler in accordance with the terms hereof and notifies CLIENT in writing prior to such suspension of services. If any such suspension causes an increase in the time required for Amec Foster Wheeler's performance, the performance schedule and/or period for performance shall be extended for a period of time equal to the suspension period.

5. **PERMITS, UTILITIES AND ACCESS.** Unless otherwise agreed in writing, the Client shall: 1) apply for and obtain all required permits and licenses; 2) make all necessary arrangements for right of entry to provide Amec Foster Wheeler access to the site for all equipment and personnel at no charge to Amec Foster Wheeler; 3) make available to Amec Foster Wheeler all relevant information and documents under its control regarding past, present and proposed conditions of the site, including but not limited to plot plans, topographic studies, hydrologic data and previous soil and geologic data including borings, field or laboratory tests and written reports and shall immediately transmit to Amec Foster Wheeler any new information that becomes available or any changes in plans; and 4) provide Amec Foster Wheeler with the location of all underground utilities and structures in the exploration area. While Amec Foster Wheeler will take all reasonable precautions to minimize any damage to the property, the Client agrees to hold Amec Foster Wheeler harmless for any damages to any subterranean structures or any damage required for right of entry.
6. **PROBABLE COSTS.** Amec Foster Wheeler does not guarantee the accuracy of probable costs for providing services hereunder. Such probable costs represent only Amec Foster Wheeler's judgment as a professional and are supplied only for the general guidance of the Client.
7. **DISPUTES.** Any dispute arising hereunder shall first be resolved by taking the following steps, where a successive step is taken if the issue is not resolved at the preceding step: 1) by the technical and contractual personnel for each party performing this Agreement, 2) by executive management of each party, 3) by mediation, or 4) through the court system of the jurisdiction of the Amec Foster Wheeler office that is entering into this Agreement. Client hereby waives the right to trial by jury for any disputes arising out of this Agreement. Except as otherwise provided herein, each party shall be responsible for its own legal costs and attorneys' fees.
8. **STANDARD OF CARE.** In the performance of professional services, Amec Foster Wheeler will use that level of care and skill ordinarily exercised by reputable members of Amec Foster Wheeler's profession currently practicing in the same locality under similar conditions. **NO OTHER REPRESENTATION, GUARANTEE, OR WARRANTY, EXPRESS OR IMPLIED, IS INCLUDED OR INTENDED IN THIS AGREEMENT, OR IN ANY COMMUNICATION (ORAL OR WRITTEN), REPORT, OPINION, DOCUMENT, OR INSTRUMENT OF SERVICE.**
9. **INDEMNITY.** Client agrees to defend, indemnify, protect and hold harmless AMEC FOSTER WHEELER and its officers, employees and agents from any and all claims, liabilities, damages or expenses, including but not limited to delay of the project, reduction of property value, fear of or actual exposure to or release of toxic or hazardous substances, and any consequential damages of whatever nature, which may arise directly or indirectly, to any party, as a result of the services provided by Amec Foster Wheeler under this Agreement, unless such injury or loss is caused by the sole negligence of Amec Foster Wheeler.
10. **LIMITATION OF LIABILITY.** Notwithstanding any other provision of this Agreement, the total liability of Amec Foster Wheeler, its officers, directors and employees for liabilities, claims, judgments, demands and causes of action arising under or related to this Agreement, whether based in contract or tort, shall be limited to the total compensation actually paid to Amec Foster Wheeler for the services or

\$50,000, whichever is less. All claims by Client shall be deemed relinquished unless filed within one (1) year after substantial completion of the services. In addition, Amec Foster Wheeler shall not be liable for consequential, incidental or indirect damages as a result of the performance of this Agreement.

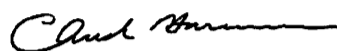
11. **INSURANCE.** Amec Foster Wheeler will maintain insurance for this Agreement in the following types: 1) worker's compensation insurance at statutorily required levels, 2) comprehensive general liability insurance and 3) automobile liability insurance for bodily injury and property damage.
12. **RESPONSIBILITY.** Amec Foster Wheeler is not responsible for the completion or quality of work that is dependent upon or performed by the Client or third parties not under the direct control of Amec Foster Wheeler, nor is Amec Foster Wheeler responsible for their acts or omissions or for any damages resulting therefrom.
13. **EXCLUSIVE USE.** Services provided under this Agreement, including all reports, information or recommendations prepared or issued by Amec Foster Wheeler, are for the exclusive use of the Client affiliates and our and their respective advisors, agents, representatives and potential lenders for the project specified. No other use is authorized under this Agreement. Client will not distribute or convey Amec Foster Wheeler's reports or recommendations to any person or organization other than those identified in the project description without Amec Foster Wheeler's written authorization. Client releases Amec Foster Wheeler from liability and agrees to defend, indemnify, protect and hold harmless Amec Foster Wheeler from any and all claims, liabilities, damages or expenses arising, in whole or in part, from such unauthorized distribution.
14. **FIELD REPRESENTATION.** Unless otherwise expressly agreed in writing, Amec Foster Wheeler shall not be responsible for the safety or direction of the means and methods at the Client's site of contractors or their employees or agents that are not hired by Amec Foster Wheeler, and the presence of Amec Foster Wheeler at the Client's site will not relieve the contractor of its responsibilities for performing the work in accordance with applicable regulations, or in accordance with project plans and specifications. If necessary, Client will advise any contractors that Amec Foster Wheeler's services are so limited. Amec Foster Wheeler will not assume the role of "prime contractor", "principal contractor", "constructor", "controlling employer", or their equivalents unless the scope of such services are expressly agreed in writing.
15. **ENVIRONMENTAL LIABILITY.** Client has and shall retain all responsibility and liability for the environmental conditions on the site. All non-consumed samples shall remain the property of the Client, and Client shall be responsible for and promptly pay for the removal and lawful disposal of samples, cuttings and hazardous materials, unless otherwise agreed in writing. If appropriate, Amec Foster Wheeler shall preserve samples obtained for the project for not longer than 30 days after the issuance of any document that includes the data obtained from those samples.
16. **TERMINATION.** This Agreement may be terminated by either party upon ten (10) days written notice to the other. In the event of a termination, Client shall pay for all reasonable charges for work performed and demobilization by Amec Foster Wheeler to date of notice of termination. The limitation of liability and indemnity obligations of this Agreement shall be binding notwithstanding any termination of this Agreement.
17. **ASSIGNMENT.** Neither party shall assign its interest in this Agreement without the written consent of the other.
18. **GOVERNING LAW.** This Agreement is governed by the laws of the state of the Amec Foster Wheeler office that is entering into this Agreement.

Client and Amec Foster Wheeler acknowledge that each has read and agrees to these Terms and Conditions, which are incorporated herein and made a part of this Agreement.

CLIENT

AMEC FOSTER WHEELER

Environment & Infrastructure, Inc.



By: _____

By:

Title: _____

Title: Principal Ecologist/Line Manager

Date: _____

Date: April 5, 2017

**BOROUGH OF CLOSTER
COUNTY OF BERGEN**

**BOROUGH OF CLOSTER
RESOLUTION MEMORIALIZING DECISION
TO NAME THE BUZZONI TRAIL THE SOPHIE HEYMANN TRAIL**

WHEREAS, at the public meeting held on April 12, 2017, the Mayor and Council discussed certain nature trails in the Borough, including the Buzzoni Trail; and

WHEREAS, the Mayor and Council voted to name that trail The Sophie Heymann Trail, in honor of the former Mayor and long-time public servant in the Borough; and

NOW, THEREFORE, BE IT RESOLVED, this memorializes the decision by the Mayor and Council of the Borough of Closter made at the 4/12/17 Public Meeting to name the trail commonly known as the Buzzoni Trail, The Sophie Heymann Trail.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad	X		X			
Councilwoman Latner		X	X			
Councilman Di Dio			X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			


Adopted: April 26, 2017

ATTEST:



Loretta Castano, Borough Clerk

APPROVED:



John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

Loretta Castano, Borough Clerk

**BOROUGH OF CLOSTER
COUNTY OF BERGEN**

**BOROUGH OF CLOSTER
RESOLUTION MEMORIALIZING DECISION TO NAME
A CONSERVATION ZONE TRAIL THE ARTHUR FRANK GOLDBERG TRAIL**

WHEREAS, at the public meeting held on April 12, 2017, the Mayor and Council discussed certain nature trails in the Borough, including those located in the Borough’s Conservation Zone; and

WHEREAS, the Mayor and Council voted to name a trail in the Conservation Zone in honor of Arthur Frank Goldberg, a former long-term resident and volunteer public servant in the Borough; and

NOW, THEREFORE, BE IT RESOLVED, this memorializes the decision by the Mayor and Council of the Borough of Closter made at the 4/12/17 Public Meeting to name a trail in the Conservation Zone, The Arthur Frank Goldberg Trail.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad	×		×			
Councilwoman Latner		×	×			
Councilman Di Dio			×			
Councilman Yammarino			×			
Councilwoman Chung			×			
Councilwoman Amitai			×			


Adopted: April 26, 2017

ATTEST:



Loretta Castano, Borough Clerk

APPROVED:



John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

Loretta Castano, Borough Clerk

**BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
RESOLUTION AUTHORIZING PERSON-TO-PERSON
TRANSFER OF (INACTIVE/ POCKET) PLENARY RETAIL DISTRIBUTION
LICENSE NO. 0207-44-008-003**

WHEREAS, an application has been filed on behalf of Closter Wine & Spirits, Inc. for a person-to-person transfer of Plenary Retail Distribution License No. 0207-44-008-003 (inactive/pocket); heretofore issued to The Great Atlantic & Pacific Tea Co., Inc. Debtor in Possession; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Closter does hereby approve the transfer of the aforesaid Plenary Retail Distribution License No. 0207-44-008-003 (inactive/pocket) from The Great Atlantic & Pacific Tea Co., Inc. Debtor in Possession to Closter Wine & Spirits, Inc. and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Closter Wine & Spirits, Inc."


Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad	X		X			
Councilwoman Latner		X	X			
Councilman Di Dio			X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			

Adopted: April 26, 2017

ATTEST:


Loretta Castano, Borough Clerk

APPROVED:


John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

Loretta Castano, Borough Clerk

BOROUGH OF CLOSTER

**RESOLUTION SETTING 2017 FEE FOR SEWER SERVICE
TO ALPINE PROPERTIES**

WHEREAS, the Borough of Closter has an Agreement with the Borough of Alpine to provide sewer service to certain homes located near or on Anderson Avenue; and

WHEREAS, this Agreement provides for an annual rate adjustment to meet increases in sewage treatment costs; and

WHEREAS, the fee for calendar year 2016 was set at \$922.29; and

WHEREAS, Bergen County Utilities Authority increased Closter’s charge for calendar year 2017 by 2.2%; and,

WHEREAS, pursuant to the Closter/Alpine Sewer Agreement dated July 26, 1994 and Closter Code Section A301,I. Tax Collector, paragraph 6, the Borough Council may set the rate annually via Resolution;

NOW THEREFORE, BE IT RESOLVED, by the Closter Mayor and Council to set an annual rate of \$942.58 for the year 2017 for each Alpine sewer connection.

COUNCILPERSON	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai			X			
Councilman Barad	X		X			
Councilwoman Chung			X			
Councilman Di Dio			X			
Councilwoman Latner		X	X			
Councilman Yammarino			X			

Adopted: April 26, 2017

APPROVED BY:



 John C. Glidden, Jr. Mayor

ATTEST:



 Loretta Castano, Borough Clerk

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter on April 26, 2017.

 Loretta Castano, Borough Clerk

Leslie Weatherly

From: McCarter, Mathew <mmccarter@BCUA.org>
Sent: Monday, April 10, 2017 11:24 AM
To: Leslie Weatherly
Subject: RE: 2017 Sewer Rates

Hello Leslie,

This information is obtained from your actual billing. I am happy to assist you again this year but going forward please just look to your accounting department for the billing information and the calculation which is not complicated.

Per my billing summary I see that your sewer billings were/are:

\$958,077 for 2016
\$979, 148 for 2017

That is a \$21,071 increase, or, 2.2%

Best regards,

Matt

Mathew McCarter
Acting Treasurer
Bergen County Utilities Authority
201-807-5819

**BOROUGH OF CLOSTER
COUNTY OF BERGEN**

RESOLUTION AUTHORIZING THE HIRING OF ONE DPW EMPLOYEE

WHEREAS, the Mayor and Council of the Borough of Closter is aware of certain personnel needs in the Borough’s Department of Public Works; and

WHEREAS, Borough of Closter’s DPW Superintendent has reviewed the qualifications and recommended the hiring of an individual to the following position effective May 1, 2017:

Christopher Rilleau – Sanitation/Collector
Tier 2, Non-CDL salary of \$43,025.00 per annum; and


WHEREAS, the above salaries are established pursuant to the Collective Bargaining Agreement between the Borough and Local 125 Teamsters; and

NOW THEREFORE BE IT RESOLVED, the Mayor and Council are hereby authorizing the hiring of *Christopher Rilleau* – Sanitation/Collector Tier 2, Non-CDL at a salary of **\$43,025.00 per annum**. The hire will be **effective on May 1, 2017** at the contractual starting salary rate.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			X			
Councilman Barad	X		X			
Councilwoman Chung			X			
Councilman Di Dio			X			
Councilwoman Latner		X	X			
Councilman Yammarino			X			

Adopted: April 26, 2017

APPROVED BY:


John C. Glidden, Jr., Mayor

ATTEST:


Loretta Castano, Borough Clerk

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter on April 26, 2017.

Loretta Castano, Borough Clerk

**BOROUGH OF CLOSTER
COUNTY OF BERGEN, NEW JERSEY**

**RESOLUTION GRANTING USE OF CLOSTER COUNCIL CHAMBERS TO BE
UTILIZED BY BERGEN COUNTY BOARD OF ELECTIONS FOR CLASSES
ON MAY 4, 2017**

WHEREAS, the Borough of Closter regularly utilizes the services of certain Board Workers for its elections; and

WHEREAS, the Bergen County Board of Elections oversees rules and regulations regarding those elections; and


WHEREAS, the Bergen County Board of Elections has offered to hold a training class for Board Workers within the Borough of Closter; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter, in the County of Bergen, State of New Jersey, that the Borough make available to the Bergen County Board of Elections the use of the Closter Council Chambers for May 4, 2017 commencing at 5:00 p.m. The Bergen County Board of Elections shall provide to the Borough a certificate of insurance naming the Borough of Closter as a certificate holder for the training class to be held May 4, 2017.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barad	X		X			
Councilwoman Latner		X	X			
Councilman Di Dio			X			
Councilman Yammarino			X			
Councilwoman Chung			X			
Councilwoman Amitai			X			


Adopted: April 26, 2017

ATTEST:



Loretta Castano, Borough Clerk

APPROVED:



John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held April 26, 2017.

Loretta Castano, Borough Clerk

BOROUGH OF CLOSTER**RESOLUTION ESTABLISHING EMERGENCY TEMPORARY BUDGET
APPROPRIATIONS FOR 2017**

WHEREAS, N.J.S.A. 40A:4-20 provides that where contracts, commitments or payments are to be made prior to final adoption of the 2017 Budget, temporary emergent appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, this resolution will take effect on April 26th, 2017 and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Closter, that the following appropriations be made and that a certified copy of this resolution be transmitted to the Assistant Chief Financial Officer for the Borough's records

General Admin- Other Expenses	7-01-20-100-000-020	\$750.00
Municipal Clerk-Other Expenses	7-01-20-120-120-020	\$1000.00
Financial Admin-Salaries & Wages	7-01-20-130-000-011	\$15,500.00
Revenue Admin-Other Expenses	7-01-20-145-000-020	\$2000.00
Liability Insurance	7-01-23-210-000-020	\$30,000.00
Workers Compensation Insurance	7-01-23-215-000-178	\$35,000.00
Police Dept. Salaries & Wages	7-01-25-240-000-100	\$15,000.00
Police Dept. Other Expenses	7-01-25-240-000-200	\$5000.00
Fire Prevention- Salaries & Wages	7-01-25-265-000-011	\$2000.00
Fire Hydrant Service	7-01-25-268-000-133	\$21,000.00
Sanitation- Salaries & Wages	7-01-26-305-000-010	\$5000.00
Sanitation- Other Expenses	7-01-26-305-000-020	\$1000.00
Utilities- Street Lighting Expense	7-01-31-435-000-219	\$15,000.00
Utilities- Natural Gas Expense	7-01-31-446-000-172	\$10,000.00
Utilities- Motor Vehicle Fuel	7-01-31-460-000-020	\$15,000.00
Solid Waste Recycling Cont.Tax- Other Expenses	7-01-32-465-000-020	\$5000.00
Bond Interest Debt Service	7-01-45-930-000-154	\$25,000.00
	Total	\$ 203,250.00

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilman Barrad		X	X			
Councilwoman Latner			X			
Councilman Di Dio			X			
Councilman Yammarino	X		X			
Councilwoman Chung			X			
Councilwoman Amitai			X			

Adopted: April 26th 2017

ATTEST:

APPROVED:



Loretta Castano, Borough Clerk



Mayor John C. Glidden,

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Reorganization Meeting held April 26th 2017.

Loretta Castano, Borough Clerk

MP
4/27/17

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 26, 2017 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, April 26, 2017. Mayor Glidden called the meeting to order at 7:30 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Glidden 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 published in The Record and the Star Ledger on January 9, 2017, 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 John C. Glidden, Jr.
Councilpersons David Barad, Alissa Latner, Robert Di Dio, Joseph Yammarino, Jannie Chung
and Victoria Amitai
Borough Administrator, Arthur Braun Dolson
Borough Attorney, Edward T. Rogan
Borough Auditor, Gary Vinci
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Chief of Police, Dennis Kaine

SOCCKER PRESENTATION (Requested by Mayor Glidden's office 4/24/17)

At this time, Mayor Glidden deviated from the Agenda and made a presentation to the Closter Boys Division 5 Indoor Soccer Team (Grades 3 and 4). He explained that the boys play in the Pascack Valley Indoor Soccer League (PVISL) and won the championship in the Valley Division. The championship game against New Milford ended in a tie, they proceeded to a 5-minute sudden death overtime, which ended in a tie. They then proceeded to a 5-man penalty shoot, which also ended in a tie. From there, they moved to a sudden death shootout ... and Closter won.

Mayor Glidden and the team coach presented certificates to the players. The governing body and the public offered a round of applause. Mayor Glidden presented a soccer ball to the coach, Edgar Pena, in recognition of his 15 years of coaching.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF APRIL 13, 2017 – Mayor Glidden asked if any member of the Council wished to address any matter or provide any comments. Item Nos. 1, 7a, and 12 were removed by Councilman Barad; Item No. 6 was removed by Councilwoman Chung.

Item No. 1: Received 04/06/17, Dated 04/06/17 from Mayor John C. Glidden, Jr. re Copies of e-mailed letters from Bruce A. Barton, Chairman, Bergen County Historic Preservation Advisory Board re:

- a. to Arthur Braun Dolson, Borough Administrator, informing that Closter Borough Hall has been selected to receive a 2017 Bergen County Historic Preservation Award in the "Restoration Project" category
- b. to Tim Adriance, Chair, Historic Preservation Commission informing that Closter Plaza "Dancing Diamonds" Sign and Edens Inc. has been selected to receive a 2017 Bergen County Historic Preservation

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 26, 2017 – 7:30 P.M.

Award in the “Continuing Preservation or Use” category (Distributed to Mayor and Council 4/7/17) Copy to Historic Preservation Commission

Councilman Barad wanted to remind all of the Historic Preservation Awards to be held 5/4/17 in Englewood. Mayor Glidden regretted he would be out of town and asked Mayor Emeritus Heymann to attend and accept in his absence. Borough Administrator requested RSVP as soon as possible to himself or to Leslie (Weatherly) so they could respond.

Item No. 6: Received 04/07/17, Dated 04/07/17 from Edward T. Rogan, Esq., Edward Rogan & Associates, LLC, to Loretta Castano re Letter from Donald J. Sears, Director of Law, Township of South Brunswick, to Members of the Consortium (re COAH) requesting an additional \$1,000 to the Consortium (Distributed to Mayor and Council 4/7/17 – Requested by Borough Attorney 4/7/17)

Councilwoman Chung recalled this was a request for an additional \$1,000 to help with the negotiation and asked for clarification if it was for the use of that case or the consortium. Borough Attorney informed it is for South Brunswick directly to help with their case and it appears to be under the guise that somehow assisting them with their case would benefit the whole consortium.

Item No. 7a: Received 04/07/17, Dated 04/07/17 from Michael J. Darcy, CAE, Executive Director, NJS League of Municipalities re Weekly Round Up: Weekly Update re: I. State Policy Issues; a. PFRS Legislation Update (Bill S-3040/A-99) (Copy to Chief Kaine, Pension Certifying Agent)

Councilman Barad voiced his understanding that up until now, there has been some balance as to how the PFRS retirement system has been run; and the new legislation would give more weight to the unions. There is much less public representation; and taxpayers are affected by the decisions the Board would be able to make. He asked the Council members to review same to see if they would like to follow up on it. Councilwoman Latner noted she has read this several times and she agrees she would like to follow up and contact our Legislators to urge the opposition of this Bill. Borough Attorney informed he would prepare a Resolution for same.

Item No. 12: Received 04/10/17, Dated 04/07/17 from Richard Loveless, Acting Manager, NJDOT Bureau of Local Aid – Newark, to Nick DeNicola, P.E., Boswell McClave Engineering; c: Borough Clerk re Notification of NJDOT Award Approval for Ver Valen Street (Section 2) 2016 Municipal Aid Program Project in the amount of \$204,101.15, to American Asphalt and Milling Services, LLC, and informing the State will not participate in the costs related to Police Traffic Directors in the amount of \$10,000 (Copy to Chief Kaine)

In answer to Councilman Barad, Borough Engineer informed this was our authorization to proceed.

b. MAIL LIST OF APRIL 20, 2017 – Mayor Glidden asked if any member of the Council wished to address any matter or provide any comments. Item No. 6 was removed by Councilwoman Latner; Item No. 7 was removed by Councilman Barad.

Item No. 6: Received 04/19/17, Dated 04/19/17 from Borough of Westwood Clerk to Bergen County Municipal Clerks re Resolution adopted 4/4/17 Opposing the MS4 Draft Renewal Permit (Copy to DPW Superintendent, Land Use Coordinator/Planning Board and Land Use Coordinator/Zoning Board of Adjustment)

Councilwoman Latner informed this pertained to storm water and the creation of a lot of requirements. She believed the DPW Committee would be meeting to discuss same; and she wanted Councilwoman Chung to be aware of same.

Item No. 7: Received 04/20/17, Dated No Date from Yut’s e O. Thomas, Director, Office of School Finance to County Boards of Taxation, Municipal Clerks, Board Secretaries/School Business Administrators, Executive County Superintendents re 2017-2018 Municipal Percentage Shares for Tax Levies for Regional School Districts and Districts Merged Pursuant to P.L. 2009, c.78 (Copy to Joseph Luppino, Maria Passafaro)

Councilman Barad noted this is the regional school tax levy distribution; and explained that Closter has a larger population; and, therefore, supports a larger tax levy.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 26, 2017 – 7:30 P.M.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of April 26, 2017)

Mayor Glidden asked if any member of the Council wished to remove any item for discussion. Councilwoman Amitai referred to Item Nos. 13 and 14. Councilwoman Chung referred to Item No. 12.

12. RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO CONTINUE PHASE II CONTAMINATION INVESTIGATION FOR AN AMOUNT NOT TO EXCEED \$16,220 (Received from Borough Attorney 4/20/17)

In answer to Councilwoman Chung, Borough Engineer said it is hoped that the risk analysis would mitigate a lot of the cleanup; and if it is low-level contamination, it would be left in place since it would be counter productive to ruin the wetlands.

13. RESOLUTION MEMORIALIZING DECISION AT THE PUBLIC MEETING HELD 4/12/17 TO NAME THE BUZZONI TRAIL THE SOPHIE HEYMANN TRAIL (Received from Borough Attorney 4/20/17)

Councilwoman Amitai suggested that Mayor Emeritus Sophie Heymann be invited to receive the award and Mrs. Goldberg to receive the following award. Mayor Glidden said that they would be invited to the next meeting and asked Borough Administrator to take care of same.

14. RESOLUTION MEMORIALIZING DECISION AT THE PUBLIC MEETING HELD 4/12/17 TO NAME A CONSERVATION ZONE TRAIL THE ARTHUR FRANK GOLDBERG TRAIL (Received from Borough Attorney 4/20/17)

6. COMMITTEE REPORTS

A. FINANCE AND TECHNOLOGY – YAMMARINO (BARAD/DI DIO)

1) REPORT RE CLOSTER WEBSITE – Councilman Yammarino reported the 2017 Municipal Budget has been amended and the Administrator informed him it was a .00189% change. Even though it is very small, it postpones adoption of the Budget until the 5/10/17 meeting.

2) REPORT – Regarding Historic Preservation Commission, Mr. Yammarino reported they received responses from eight (8) qualified individuals for the historic preservation plan and the Borough Administrator is reviewing same. The Commission has requested that the Chairman and one of the professionals be included in the review. No objections were voiced to same.

B. PUBLIC SAFETY - LATNER (DI DIO/CHUNG)

1) REPORT – Councilwoman Latner was pleased to report there was a lot of recognition in the past month at Northern Valley Regional High School/Demarest. She reminded the Police Department did a public safety drill on 4/13/17 and expressed that the Temple was very grateful to be included. Noting that the Chief was not present, she reminded the DEA Operation Take Back for used and expired drugs is scheduled for Saturday, 4/29/17, from 10 a.m. to 2 p.m. at headquarters parking lot.

Councilwoman Latner was pleased to report the Library already has a lot of enrollment for their Spring program; and several new adult programs are underway. Joel Zelnik will be honoring one-time Closter resident Bill Evans. Mrs. Latner reported there was a Library Strategic Planning meeting last week with the Library's Executive Director, Leslie Berger. They discussed future needs with the generator being installed. Triple A and Hackensack Medical Center will be hosting an event for Seniors at the Library on proper vehicle adjustment and safety. Ruth Rando reached out and included St. Mary's because they need the use of the parking lot; and three dates in September are being planned.

At this time, Councilwoman Chung informed the Police Department offered a ride to school as part of the PTO's auction items, and the Lee family won that prize. For two days Mrs. Lee's sons were picked up and driven to school by an Officer and one of the days was one of the children's birthday and the reaction was priceless.

At this time, Mayor Glidden wanted to remind all that this Saturday is Closter Clean-Up Day. Residents can go to either Borough Hall or the Nature Center at 10 a.m. and they will give you all the equipment you will need and the event runs until 2 p.m. He said he participated the last several years; and it is a rewarding feeling to clean up the town; and all ages are welcome.

6. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - CHUNG (LATNER/AMITAI)

1) REPORT – Councilwoman Chung informed the DPW Committee did not have a chance to meet this month; therefore, no report was provided.

At this time, Councilman Barad recalled that a few meetings ago, when it was still snowing, there were conversations about snow on the corners; and noted DPW Superintendent has not come to any of the meetings. Mrs. Chung informed the Committee would be meeting this week; and she will definitely put it on the agenda for discussion. Dr. Barad feels we really need input because the snow is piling up on the corners and business owners are responsible; and the two things are working against each other. He strongly feels this needs to be discussed further.

D. ORDINANCES - BARAD (YAMMARINO/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported there was a brief Ordinance Committee meeting yesterday and it was mentioned Councilman Yammarino was concerned about snow that was plowed onto his front lawn. Dr. Barad said Chief Kaine provided a sample ordinance that states it is illegal to take your snow and dump it on somebody else's property. He said we will insert this into an existing ordinance and same should be introduced at the 5/10/17 meeting.

Dr. Barad reminded the revisions to the Administrator ordinance have been in process for quite some time and what they wanted to do was simplify it and have it refer to a job description that will be kept on file and that would give it more flexibility. He voiced his opinion the Human Resources Committee did a great job description and made the ordinance simpler. This will be introduced at the 5/10/17 meeting.

At this time, Councilman Barad extended congratulations to Steve Isaacson in the audience for the Northern Valley Earth Fair and its success. He voiced his opinion it was great to have Mr. Isaacson's presence at a very positive day. Councilman Barad welcomed the Boy Scouts present in the audience and congratulated them on working on their Merit Badges.

2) REPORT – Dr. Barad wanted to remind that Arbor Day would take place at Hillside School at 10 a.m. and Tenakill School at 1 p.m. on Friday, 4/28/17.

E. HUMAN RESOURCES - DI DIO (CHUNG/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Di Dio reported the Human Resources Committee met last month and discussed job descriptions which were referred to Councilman Barad and are moving forward.

2) REPORT – Mr. Di Dio informed he had nothing further to report.

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

1) REPORT – Councilwoman Amitai reported there was discussion at the last Planning Board meeting with Engineer Pete Ten Kate, in Mr. DeNicola's absence, regarding opening of roads after the Borough has paved them. They wanted him to weigh in on same to the Ordinance Committee as to the best way to handle it such as changing it to paving curb to curb. Mr. DeNicola explained the problem with the trenches isn't the pavement; it's the contractors not packing the trench up properly or taking shortcuts. He voiced his opinion that even if they changed it to paving curb to curb, the trench will still settle and the problem will still exist. An inspection should be done by the DPW or Borough Engineer or whomsoever to ensure the contractor is packing the trench properly. In answer to Mrs. Amitai, he explained the DPW is in charge of Road Opening Permits, though he is not sure of the process. He informed he would investigate same and get back to her. Mrs. Amitai noted the Borough Engineer participates in inspections for other things as necessary; and suggested the same in this case. Mr. DeNicola said the Borough should not be bearing the cost for those services – the Applicant should be. Councilman Barad asked the Borough Engineer to provide notes with his comments regarding same; and said one of the thoughts is extending the period from two to three years.

Councilwoman Amitai reported the Planning Board will not meet this week. A new attorney to the Board will be joining soon; and Mayor Glidden voiced his understanding that it will be the May meeting.

6. COMMITTEE REPORTS (Continued)

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

Mrs. Amitai reported the Building Department will be meeting shortly with the new Construction Official John Peters. The employees in the Department are very happy so far. In regards to the Zoning Officer's recent retirement, Mrs. Amitai requested the Borough Administrator run an ad for same through the League of Municipalities as Mr. Peters is currently serving as Acting Zoning Officer.

Regarding the Mitchell Humphreys system, Paul and Rose need further information regarding how to use the system, not in terms of the Building Department, but in terms of the Boards and Commissions they serve. The Committee would like to make that happen, so the system can be fully utilized. She recalled when the system was originally installed, the representatives from Mitchell Humphreys came and provided hands-on training; and she asked how to make that happen again. Dr. Barad agreed that when you first use a program, you really don't know; but now that they have some experience, they could use it for other functions of the program and get more mileage out of it. Borough Administrator informed there were two parts to this. The first is that we pay for that service and the company is not really providing it. Secondly, he is working very hard to get different representatives from the company to provide support to the Borough because the ones we have had so far have not worked out well with our staff. We have withheld payment until this gets resolved; and our current contract is up on 5/1/17. Mr. Dolson explained an issue in viewing the program and the company claims that no other users have this issue but the screens are not readable. He asked for a list of towns in Bergen County who have the program, and he will reach out to them to see if they have the same problem, and if they like the program or not. If they do not have the issue, he feels he would have proof that there was a problem with the installation. Mrs. Amitai thanked him for staying on top of same. He noted part of the problem is that the company is in Missouri and the sales representatives are in New York; and they seem to not even realize there is a two-hour time difference over here where they make an appointment for 3 p.m. in Missouri where it is 5 p.m. here; and everyone has already gone home.

Councilwoman Amitai referred to the Code Enforcement regarding flag signs and reported that Jim Whitney is doing a great job with that inasmuch as some signs have been coming down. Two came down, notices were sent and doors have been knocked on; and there seems to be one establishment giving a little bit of a hard time; but that sign will be corrected and they are staying on top of that.

Mrs. Amitai reported a new boutique called Ruby and Jenna will be coming to the Plaza soon. The Building Department has been very busy with new construction; and the Plaza has a lot of establishments with outdoor seating. Starbucks looks amazing and there are beautiful plantings for their buffer. Mrs. Amitai was pleased to report Jack (Peters) has been very busy.

The Improvement Commission has been looking at the Borough property between The Empty Vase and they have a few ideas of things they would like to see. They'd like curb installed and to see a parking place on Closter Dock Road. In answer to the Mayor she said there is only a driveway there right now and someone uses it to park their car or van which is a problem. They would like to see signage such as This Way to the North Parking Lot or Shopper's Parking This Way. After the Hoe Down, they will be discussing same further to determine how best to improve the area and who will pick up the cost.

Mrs. Amitai said the Commission thought it would be wonderful if the Mayor would be the Sheriff and the Council the Deputies. They are hoping everyone will show up and play this role. She said they hoped it would generate interest; and they could have the Ambulance come to the field and the EMT's come out wearing bandanas when the doors open. Councilman Barad offered to bring the idea to the next Ambulance Corps meeting.

Regarding the Parking Authority, Mrs. Amitai asked the Borough Engineer if he would be able to include the sidewalk for proposed commuter parking on Third Street in this road program. Mr. DeNicola explained it would not be in the Vervalen Street project but would be included in the next Borough Road Program; and he informed it would not be this Summer. In answer to Councilwoman Amitai, Borough Attorney informed he needed additional details to draft a Resolution regarding same.

6. COMMITTEE REPORTS (Continued)

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

At this time, Councilman Di Dio referred to Mrs. Amitai's comment that someone was illegally parking, and asked why the regulations of the Borough are not being enforced. Borough Attorney voiced his understanding they are being enforced but they are using it during the day; and after the Police brought it to their attention they move the vehicles off the street at night. In response to Mr. Di Dio, he informed they could park there as it is the same as any other side street; and they are abiding by the ordinance as written. Mrs. Amitai explained putting in a curb there would alleviate that problem. The Borough Engineer explained the curb and sidewalk would be to provide a path for people using the commuter parking area to get down to the bus stop. The sidewalk on Closter Dock Road is from the paper street that is Third Street down to Piermont Road.

At this time, Mayor Glidden informed there is a ribbon cutting ceremony for Orangetheory Fitness at 5 p.m. and they plan to have a great party with refreshments.

7. OLD BUSINESS

- a. DISCUSSION WITH DPW SUPT. RE FOLLOWING ITEMS (Requested by Mayor Glidden @WS 3/22/17/Carried from WS 4/12/17:
- 1) SNOW REMOVAL
 - 2) RUCKMAN PARK WALKING PATH ADDITIONAL LIGHTING
 - 3) PONDING ON VER VALEN STREET

Borough Administrator reported that he is in the midst of negotiating and settling the final submission of the engineering proposal for the Phase 2 lighting for Ruckman Park and still closing out Phase 1. The ponding on Vervalen Street would be taken care of when paved.

- b. THIRD STREET COMMUTER PARKING – PAVING, LIGHTING AND SIDEWALKS
(Discussed at WS 4/12/17)

At this time, Councilwoman Amitai referred to Chestnut Street and noted that she had been given a petition relative to the traffic at rush hour; and she provided same to the Borough Administrator so that he could review same with the Police Department. Borough Administrator said if traffic control is necessary, the County would be involved.

At this time, Councilman Barad referred to the grates around the trees downtown which have been completed and the pavers reset. Councilwoman Amitai noted that they did an amazing job but some pavers are missing.

At this time, Councilwoman Latner referred to Earth Day and asked that one of the cards she obtained relative to Northern Valley Green Way be placed on the website. Work is being done to convert the old railroad tracks into trails from Tenafly to Northvale. Councilman Barad said you can go to the website and vote; and Councilwoman Chung said you can vote every day. Mayor Glidden advised the public to go from Oak Tree north toward Sparkill to see where an old railroad bed has been converted into a trail. Councilwoman Chung said it is hoped that the two trails can be connected in the future.

Councilwoman Chung said a suggestion was received from a resident that a hoe down showdown barbeque competition be considered that would be judged by a panel of judges. Councilwoman Amitai pointed out that insurance (certificates) and hold harmless agreements are necessary and seem to interfere with proposals. Borough Attorney said if it is individuals rather than companies, that would be different; and could be under the Borough's JIF policy. He asked that the information be provided to him so that he could consult with the JIF.

- 8. NEW BUSINESS
- 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, said that the Borough would have to deal with the Health Department relative to the barbecue. Mr. Isaacson referred to the D' Angelo's Farm in Dumont that is being tested for pesticides; and he suggested that the Trautwein Farm also be tested before any development. Since there is no application pending, Borough Attorney said we cannot arbitrarily ask that property be tested. He explained that if an Application is filed, it is only for development not an environmental study. He is not sure but does not believe it can be a requirement of the Board for approval of an application. They could go through that when they purchase the property or maybe they already have one as part of their due diligence prior to purchasing it.

Mr. Isaacson questioned the proposal of turning the alley way into a pocket park; and Councilwoman Amitai said the Closter Improvement Commission is still discussing same. Mr. Isaacson referred to the historic designation of the Closter Plaza sign; and Mayor Glidden noted that Edens has a plan to refurbish same and leave it up. Mr. Isaacson said there is a rumor that Whole Foods may get sold to Albertsons. He questioned if anyone contacted the County relative to paving the railroad crossing at Closter Dock Road; and Borough Administrator advised that the County has said they would not stop us if we did it since they have no paving plans for the crossing. At this point we are unofficially evaluating the possibility of having something done while we repair another road. Mr. Isaacson asked if there was an update of the traffic signal at Vervalen Street and Piermont Road; and Borough Engineer said the matter is still being worked on by the County; and the County has a plan to install a crosswalk. The owner of the Ondine's site will be submitting a traffic study to the Zoning Board of Adjustment for transmittal to the County.

Mr. Isaacson, as a member of the Environmental Commission, thanked everyone, especially Arthur Dolson and Leslie Weatherly, for inspiring the Northern Valley Earth Fair to become a not-for-profit organization to raise more money; and he cited the 6 towns that have been involved in this undertaking. He said the turnout was great and he thanked the DPW, Police Department and the Ambulance Corps for their participation in addition to St. Mary's for use of their parking lot. He also thanked Stop and Shop for their \$1,000 donation to the Earth Fair.

Relative to the intersection of Vervalen Street and Piermont Road, Borough Administrator noted that he was successful in getting Rockland Electric to upgrade the lighting at that corner; so it is much brighter at night and you can see the traffic and pedestrians much better.

Daniel Nam, 13 Arthur Court, referred to the school water fountain which he felt may be contaminated due to an unsafe taste. He requested an upgrade of the water fountains and noted that some of the children forget to bring water and need to be hydrated during the day. Mayor Glidden thanked him for his request and said there is a separate school board that has responsibility for the facilities. He asked the young man to read that request at the next School Board meeting; but in the meantime, he said he would speak to them.

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

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 26, 2017 – 7:30 P.M.

12. ADJOURNMENT

Motion to adjourn the Work Session at 8:36 p.m. was made by Councilwoman Amitai, seconded by Councilwoman Chung and declared unanimously carried by Mayor Glidden.

Provided to the Mayor and Council
on May 4, 2017 for approval at
the Regular Meeting to be held
May 10, 2017

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

Approved at the Regular Meeting held May 10, 2017
Consent Agenda Item No. 22b.

Loretta Castano, RMC
Borough Clerk