

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JUNE 11, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, June 11, 2008. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,

David Barad (7:40 p.m.), Cynthia L. Tutoli, Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Acting Superintendent of Public Works, William Dahle

4. NOTE RE 2008 MUNICIPAL BUDGET: At the Regular Meeting held May 28, 2008, Mayor Heymann adjourned the public hearing and adoption of the 2008 Municipal Budget to the Regular Meeting to be held July 9, 2008 pending receipt of word from the State regarding Extraordinary Aid.

Mayor Heymann explained that it is on the Agenda and they will carry this on until they can have an official hearing on it. However, they will not have this hearing this evening because they haven't received any authorization for Extraordinary Aid.

5. PUBLIC HEARING AND ADOPTION OF ORDINANCE NO. 2008:1013, "AN ORDINANCE TO DETERMINE THE RATE, AMOUNT, SALARIES, WAGES, AND COMPENSATION AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER FOR THE YEARS 2008 AND 2009, OR AS OTHERWISE NOTED"

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

At this time, Mrs. Amitai asked if it was the Department of Personnel/Human Resources who would review the salaries and wages. Mr. DiStefano explained that this was just a minimum and maximum.

Motion to adopt Ordinance No. 2008:1013 was made by Councilwoman Amitai, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

6. MAYORAL RESOLUTION APPOINTING SOPHIE HEYMANN AS COMMUNITY DEVELOPMENT REPRESENTATIVE FOR A 1-YEAR TERM TO 6/30/09

7. MAYORAL RESOLUTION APPOINTING Victoria Amitai AS MAYOR'S ALTERNATE TO COMMUNITY DEVELOPMENT FOR A 1-YEAR TERM TO 6/30/09 (Incumbent - Victoria Amitai)

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

Mayor Heymann opened the meeting to the public.

Ed Coughlan, 33 Mattocks Place, thanked the Mayor and Council for taking down the trees on Haring Street. He has been trying to get this done for years and Leslie Weatherly is outstanding and should be commended. He has been living in this town for 15 years, 11 of which he has been trying to remove this tree, and Leslie explained to him the steps that needed to be taken. He again voiced his appreciation for Leslie, as well as Mayor Heymann. Ms. Tutoli explained that she was head of the Personnel Committee and asked that Mr. Coughlan put this in writing so it could be placed in Leslie's personnel file. Mr. Coughlan explained that when people come to the Borough, they get different answers, but Leslie didn't tell him what he wanted to hear; she explained it to him in the proper manner. He agreed to put it in writing. Mayor Heymann voiced her appreciation for his comments.

Chief Berrian explained he was grateful for Mr. Coughlan's kind words about Leslie. Mr. Coughlan also informed that he had a matter to address with Chief Berrian.

Steve Isaacson, 97 Columbus Avenue, Alternate member to the Environmental Commission, explained he received an e-mail from the *Association of New Jersey Environmental Commissions, Assembly 9867 and Senate 1919*, regarding the Permanent Extension Act, which is moving quickly to the State Legislature and aims to extend all state and local permits and approvals for developers for six years, allowing projects that were permitted many years ago to avoid changes in environmental law, public health standards, building codes or local planning. Recent changes in DEP regulations that increase environmental protection will become immaterial because developers can keep their permits gained under the old rules. It would undermine the State's pollution discharge rules, flood hazard rules, site remediation rules, category one rules and others. The letter also encourages the passage of a Resolution against this Act and to send it to the State Legislature. Mayor Heymann asked if Mr. Isaacson had a sample resolution and he informed that he didn't; however, he offered to retrieve same from the internet and e-mail it to her.

Mr. Isaacson referred to two OPRA requests, which he provided to the Mayor and Council at this time for the record. He explained he was looking for all complete auditing of all of the Open Space money from the inception of this tax to date and for the past five years of all receipts and expenditures of Closter Recreation. He would like to have this audited.

He also noticed that all of the surrounding towns are replacing their street signs with bigger signs and he questioned when Closter would be doing so. Mayor Heymann explained that this was a mandate and referred to Chief Berrian, who explained that they are doing them piece-by-piece with the priority streets first.

Mr. Isaacson also referred to the possibility of doing a contract with NVSA and explained that he called Green Acres, who informed him that Green Acres must approve the contract at least 45 days in advance of the date of commencement. Mayor Heymann assured that they were aware of this.

Mr. Isaacson mentioned a case regarding a resident, who built a swimming pool into their patio and now wishes to purchase public property in order to avoid the fact that they were never stopped from doing this. They are infringing on Borough property. His feeling about this as an Environmental Commission member, is if you are taking Green Acres money to buy land, you shouldn't be selling Borough property. On one hand, they're buying land and on the other hand, they're awarding someone who broke the law by selling Borough property so they can get around this. He thinks this is really bad. He suggested they sell the land for four to five times its marketed value, if they are going to sell it. However, he doesn't think they should sell any land; it is Borough property and they will never get it back. Mayor Heymann pointed out that this issue was close to two years old at this point. Mr. Rogan added that it has been on the Agenda for over a year. Mr. Isaacson hoped the Mayor and Council would come to the right decision.

Referring to a recent letter to the editor in the newspaper, Mr. Isaacson explained this letter was from a gentleman who was remembering the fact that this November (11/11/08) will be the 90th Anniversary of Armistice Day. He voiced his understanding that most people call it Veteran's Day, as they forget that this was the ending of the war (World War I). He thought it was a good idea to remember the Veterans and the history of this area, with relationship to the war. Referring to World War I, he reminded that they loaded the boats up on the pier in Piermont and they were being trained here in Camp Merritt, where many people died, serving.

Mr. Isaacson informed that he wished to place a question on the ballot, noting that it would be up to the Mayor and Council as to whether it is binding or non-binding. He voiced concern about things, such as the toxic turf, adding that he has always been against it and now it is proven that

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it is toxic. Now, they may have to waste nearly \$700,000 per high school to rip up the turf, which doesn't include the cost of replacement. It looks as though the school districts will be consolidating; it is the intention. It also looks as though the November election will happen. He feels he has been vindicated on all of these points he has made in the past. He wants to see if the public is up to having our school district change so that the Mayor and Council will appoint the school board. It will not be a problem for him to go out and get the necessary signatures. However, he voiced his understanding that the only directive can come from the Mayor and Council, who must pass a Resolution. He asked if they would consider passing the Resolution if he were to get the signatures. Mr. Glidden voiced his opinion that Mr. Isaacson should address each Council member individually and privately, as he didn't think it to be appropriate for them to take a particular position on this issue in a public forum.

At this time, Mayor Heymann informed that she was waiting for the majority of the audience to be present, as she had a lovely announcement to make, which is a credit to Closter. She informed that one of Closter's residents was sworn in as a Judge of the Bergen County Superior Court today. Rachelle Harz is also the wife of a former Closter Mayor and Mayor Heymann was very proud of having a Judge come from Closter.

9. COMMUNICATIONS

a. MAIL LIST – MAY 29, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mayor Heymann commented on Item No. 6.

Item No. 6 – Received 05/29/08, dated 05/28/08, from Art Bernard, P.P., to Mayor, regarding Update re COAH's recent rule adoptions and rule proposals impacting the Borough of Closter; Mayor Heymann

Mayor Heymann explained that they do have a deadline to have their third round COAH proposal with COAH executives. Many towns went through this exercise a year or two ago and it became void, because the case went to court and everything was vacated. Closter is ahead of the game by not spending money on a previous plan, but they are responsible to get one in by December 1, 2008. Art Bernard reviewed this for Closter; he has been the previous COAH Planner; and Mayor Heymann has worked with him for 11 years. She is not as comfortable with it as she would like to be, so she is also investigating some other possibilities. This is something they must do and it will be another cost to the Borough, as they must pay a Planner to prepare the plans. Art Bernard was in the \$20,000 figure when he last completed this task.

Mr. Kashwick explained that there was a commentary about the available land in the Borough; and he questioned how the proposed conservations would affect this; he asked if it would still be counted as available land; and Mayor Heymann said no. Mr. Kashwick asked how it is calculated and what it is based on. Mayor Heymann explained that the land that is on the Recreation and Open Space Inventory (ROSI) list is not counted in. Any other vacant land that is not on the ROSI list is counted in. She further explained that the ROSI list is a list of all of the Borough owned land that is considered Open Space, whether it was purchased with Green Acres funds or not. There are many pieces of property on the ROSI list that were not purchased with Green Acres monies. She noticed that the website is about eight years behind on all of the reports that the Borough has handed in. However, they do have a list, which she described to be quite comprehensive and includes some, but not all of the properties. That is one of the reasons why they want the Conservation Zone. Mr. Kashwick asked for the status of this, and Mayor Heymann informed that it was one of the issues that the Master Planner would be reviewing. It is on the Agenda for the Master Planner. Mrs. Amitai asked if he would give them an overview on the COAH as well. Mayor Heymann didn't think so, adding that what they are paying him doesn't cover this. Mr. Rogan explained it would be taken into consideration in his recommendation; however, they need someone such as Art Bernard or comparable. In response to Mrs. Amitai, Mayor Heymann explained that she had considered hiring Art Bernard separately for COAH, but she thinks they could do better locally.

Mr. Hennessey referred to the final paragraph in Art Bernard's letter, which pertained to the contaminated soil that was removed. He asked the Mayor to bring him up-to-date on where they stand with this, as she informed him that Mr. Bernard was not up to date on it. Mayor Heymann explained that the soil was removed completely at a cost of \$80,000.

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b. MAIL LIST – JUNE 5, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mayor Heymann previously commented on Item No. 10; Mr. Glidden asked that Item No. 10 be removed.

Item No. 10- Received 06/04/08, dated 06/02/08, from Heather Pavell, 50th Anniversary event Chairperson, Closter Temple Beth El Nursery School
c: Amy Nelson, Director Temple Beth El Nursery School; Jim Oettinger, regarding request for permission to hold 50th Anniversary Commemoration Event at Schauble Field, on Sunday, 9/21/08, from 2 p.m. to 5 p.m., with 2 hours for set-up and 1 hour for clean-up; informing of inclusion of two "bouncy" inflatables and two mechanical rides, fees for rides/games, and possible supplement of rented porta-johns (Copy to Jim Oettinger, Glenn Parsells, Chief Berrian)

Mayor Heymann informed that no action was to be taken on this. She told Heather there are steps that need to be taken before they can say anything on the subject.

Mr. Glidden asked what they would do with this. Mayor Heymann explained that this is the Nursery School of the Temple that is asking for this. They have a 50th Anniversary and they wanted a playground larger than their own school playground, because they are inviting many guests. They asked to use Schauble Field, which is an underused field. She had explained to them that they needed to have all of the insurance documents from the Temple and from anyone providing the rides. Mr. Glidden asked if they would be paying the Borough for use of the field and Mr. Rogan explained that by Statute, the Council could approve this through a Resolution, as it is a non-profit organization for a one-day event. The Borough can set a fee if they want, but they don't have to, as opposed to a private company, when it must be bid for two weeks. The distinction is whether it is non-profitable or charitable, as opposed to a private corporation.

Steve Isaacson, 97 Columbus, suggested they close off the whole road for this and make it a pedestrian walkway for that period of time, as there will be many people. Mayor Heymann thought this to be a very good idea, noting that it is an unpaved road that goes between the Temple and Schauble Park. Chief Berrian explained that it is a paved road and assured they could discuss it further, adding that there are a lot of residents on the cross streets that deserve access. To close it off arbitrarily may be a little bit premature to think about. However, he will be happy to discuss the matter.

At this time, Mayor Heymann referred to Mr. Dahle and questioned the St. Mary parking lot being closed, noting that a suggestion was made to her as follows: perhaps the striping in the parking lot could be improved while the lot is closed anyway; it is very worn down. Mr. Dahle informed that he had spoken to this person about this already, but the Borough does not have enough money; and reminded that they had agreed they would discuss this in the future. Mayor Heymann reiterated that this is an opportunity, since it is closed. She was simply passing along a suggestion.

10. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY
(Subject to 5-minute per By-Laws General Rule No. 10)
- 11a. REVIEW OF CONSENT AGENDA ITEMS
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

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

ORDINANCES AND RESOLUTIONS

- 12.* BILL RESOLUTION – JUNE 15, 2008
TO BE PREPARED BY TREASURER
- 13.* RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS
2006, 2007 & 2008; O&P REALTY, BLOCK 1201 LOT 1, CORNER NAUGLE STREET AND
RAILROAD AVENUE (Received from Borough Attorney 5/19/08) Adjourned from RM
5/28/08

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At this time, Mayor Heymann informed that she would remove this item and adjourn it to a future meeting, noting that a letter from JoAnn Riccardi to Louis Izenberg indicated the questions that the Mayor and Council had at the last meeting and they are awaiting the answers. Therefore, they cannot take any action until they receive a response. Mr. Rogan explained that Mr. Izenberg got back to their office earlier in the week. He has been extremely busy in Tax Court, which was his reasoning for not responding sooner. Mr. Izenberg wished to set aside some time to talk to them to find out exactly what the concerns were. They should have the answers to the questions by the next meeting.

- 14.* RESOLUTION AUTHORIZING MAYOR SOPHIE HEYMANN TO SIGN N.J.D.E.P. PERMIT CERTIFICATION FOR BLOCK 81.06, LOT 6, ALPINE, NEW JERSEY SASOUNESS PROPOSED SEWER CONNECTION IN ACCORDANCE WITH CLOSTER/ALPINE SEWER AGREEMENT DATED 8/5/1994, SUBJECT TO ENGINEER'S REVIEW, APPROVAL AND CONDITIONS (Requested by Borough Attorney 5/21/08)
Adjourned from RM 5/28/08
TO BE PREPARED BY BOROUGH ATTORNEY

At this time, Mayor Heymann informed that she was also going to pull this item, reminding that they had been debating on what the proper fee would be during the last meeting. They have not raised the fee in several years and the contract of Alpine calls for the residents of Alpine, who have access to Closter's sewer lines, to pay a fair contribution. As of now, they have not found the proper way to handle this.

Mr. DeNicola informed that there were other issues, noting that Alpine must submit some escrow for review, adding that the proposed sewer line inspection was not completed. He also informed that he would need to review the plans, which is an ongoing process. Mayor Heymann clarified that they would adjourn this until more information is compiled.

- 15.* RESOLUTION APPROVING PLAN ENTITLED WEST STREET IMPROVEMENTS, SECTION 3, FROM NORTH OF VAN SCIVER STREET TO WELLINGTON AVENUE, DATED MAY 2008 AND PREPARED BY BOSWELL MC CLAVE ENGINEERING FOR A CERTAIN PUBLIC IMPROVEMENT (Received from Mayor 5/30/08)
- 16.* RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO PREPARE THE NECESSARY NOTICE TO BIDDERS, BID PACKAGE AND SPECIFICATIONS, AND FOR BOROUGH CLERK TO ADVERTISE FOR RECEIPT OF BIDS FOR BRUTE V-BOX SPREADER FOR USE BY THE CLOSTER DEPARTMENT OF PUBLIC WORKS (Received from Borough Attorney 5/22/08) Removed from Consent Agenda of 5/28/08/No action was taken
- 17.* RESOLUTION REGARDING GRANTING OF OVERTIME FOR BOROUGH EMPLOYEES (Received from Borough Attorney 6/5/08)
- 18.* RESOLUTION APPOINTING John DiStefano AS COMMUNITY DEVELOPMENT GOVERNING BODY REPRESENTATIVE FOR A 1-YEAR TERM TO 6/30/09 (Incumbent – John DiStefano)
- 19.* RESOLUTION APPOINTING John Glidden AS COMMUNITY DEVELOPMENT GOVERNING BODY ALTERNATE FOR A 1-YEAR TERM TO 6/30/09 (Incumbent - John Glidden)
- 20.* RESOLUTION APPOINTING Sophie Heymann AS MUNICIPAL REPRESENTATIVE (Incumbent - Mayor Sophie Heymann) TO PARTICIPATE IN BERGEN COUNTY OPEN SPACE TRUST REGIONAL COMMITTEE (PER ORDINANCE NO. 1999:811) FOR A 1-YEAR TERM FROM 7/1/08 TO 6/30/09
- 21.* RESOLUTION RE 2008-2009 LIQUOR LICENSE RENEWALS
TO BE PREPARED BY BOROUGH CLERK
- 21a.* RESOLUTION AUTHORIZING BOSWELL ENGINEERING TO PERFORM BRIEF SITE INSPECTION TO IDENTIFY ANY CHANGES, UPDATE AND RECERTIFY THE 5-YEAR CERTIFICATION OF THE DEPARTMENT OF PUBLIC WORKS SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$800.00 (RM 5/28/08)
TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER

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MOTIONS

~~22.*~~ APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/02/08;
 Adjourned from Regular Meetings held 1/09/08, 1/23/08, 2/13/08, 2/27/08, 3/12/08, 3/26/08,
 4/9/08, 4/23/08, 5/14/08, 5/28/08

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
HEALTH, BOARD OF Alternate No. 2	Phyllis Buonomo	_____	2 Year	12/31/09
IMPROVEMENT COMMISSION				
Member	Maria Danziger	_____	2 Year	12/31/09
Member	Wilson Reimers	_____	2 Year	12/31/09
Alternate No. 1	Frank Rodriguez	_____	2 Year	12/31/09
Alternate No. 2	Bobbie-Bouton- Goldberg	_____	Unexp. 2 Year	12/31/09

23.* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO SERVE AS MEMBER(S) OF THE
 HISTORIC PRESERVATION COMMISSION TO FULFILL REQUIREMENT MADE BY
 ADOPTION OF ORDINANCE NO. 2008:1004 ON 3/12/08
 (Term to be determined by Borough Attorney in accordance with N.J.S.A. 55D-107) – Adjourned from
 RM 04/23/08, 5/14/08, 5/28/08

<u>Appointee</u>	<u>Class</u>	<u>Term</u>	<u>Expiration</u>
a. _____			
b. _____			

Mayor Heymann informed she would skip over Item Nos. 22 and 23.

24.* MOTION GRANTING APPROVAL FOR CHAMBER OF COMMERCE TO CONDUCT ANNUAL
 SIDEWALK SALE ON JULY 24, 25 AND 26 (7. M.L. 6/5/08/Approval received from Risk
 Management Consultant 6/5/08)
 Note: Information regarding fee to be charged, if any, to be provided at this meeting!

24a.* APPROVING THE FOLLOWING MINUTES (Distributed 6/9/08) NO ABSTENTIONS:
 1) REGULAR MEETING HELD 5/28/08
 2) WORK SESSION NOTES OF 5/28/08

25.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
 a. FIRE CHIEF – APRIL 2008 (Received 5/28/08)
 b. CONSTRUCTION OFFICIAL – MAY 2008 (Received 6/5/08)

The following items were removed by the following individuals: Mayor Heymann previously
 removed Item Nos. 13 and 14; Chief Berrian asked that Item No. 17 be removed; Jesse Rosenblum
 referred to Item No. 13.

At this time, Borough Clerk asked if anyone else wished to remove anything from the Consent
 Agenda and Mrs. Amitai questioned Item Nos. 22 and 23. Mayor Heymann explained that she was
 awaiting recommendations for these appointments.

11b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 13, 14, 17, 22 and 23 was made by
 Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor
 Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad,
 Tutoli and Amitai.

26. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

13. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2006, 2007 & 2008; O&P REALTY, BLOCK 1201, LOT 1, CORNER NAUGLE STREET AND RAILROAD AVENUE (Received from Borough Attorney 5/19/08) Adjourned from RM 5/28/08

Jesse Rosenblum, 65 Knickerbocker Road, voiced his understanding that the property owner is looking for a reduction in assessment; and he questioned if it was on the land or the improvements. Mr. Rogan informed that it was both. Mr. Rosenblum explained that it appears that the assessments are based on the size of the property. He clarified this, noting that the larger the property, the lower the assessment, based on a square foot basis. He explained that there are discrepancies to that rule regarding the size of properties, because these per-square-foot assessments seem to vary without explanation. He provided examples, using specific properties. It doesn't seem like there is enough difference; it doesn't seem to be uniform in any way. There are also properties in the residential districts that are quite low. He was curious as to what the reasons were for these discrepancies.

Mayor Heymann explained that the Borough officials have no input whatsoever in the assessment. The Assessor, who placed these values on our properties three years ago, was totally separate from anybody in the Borough. The company was recommended by the Tax Assessor. In response to Mr. Rosenblum, Mayor Heymann voiced her understanding that the contract was done in 2005. She reiterated that the Borough does not have any input, and when a new assessing company comes in, they are supposed to start from scratch. The company was recommended by the Tax Assessor with no input from the Mayor and Council. Louis Izenberg has been a consultant for the Borough for a long time, but he doesn't initiate any of these things. She assured she would ask these questions herself, as she is just as curious.

At this time, Mayor Heymann explained as follows: she doesn't usually react to rumors; she pointed out that a rumor does not affect anything; however, there is a rumor in two towns that has been serious enough to be quoted to quite a few people; it has come back to her many different ways and she thinks it is totally unjustified and she wished to clarify it officially; the Mayor and Council, the Mayor and the Borough Administrator have no intention of laying off anyone from the Police Department or elsewhere in the Borough; they are trying to find other ways in order to keep the payroll down; that's what this is all about, but she really wants to make it clear that none of them have discussed layoffs at this point in time.

17. RESOLUTION REGARDING GRANTING OF OVERTIME FOR BOROUGH EMPLOYEES (Received from Borough Attorney 6/5/08)

Chief Berrian addressed number 17 in opposition to the resolution and voiced his opinion that placing restriction of any kind on all overtime is counterproductive to the mission of the Police Department. While he understands and appreciates that there are needs that the Mayor and Council have and obligations to the taxpayers to reign in the Budgets, there is still a mission that the Police Department must fulfill. There are many aspects to the Police Department that go unseen by the general public; it is a 24/7 operation. They have obligations to the public that they serve and to the passers-by that are insurmountable at times. He wished to point out some of the things he thinks have been unrecognized. He referred to the report he had provided to the Mayor and Council: a copy page from the 2007 annual report, which was distributed in late January/early February, tracking all the categories of overtime that he routinely tracks and has tracked for the twelve years he has been Chief. He primarily tracks it for the Police, because wages and compensation and benefits increase, but the hours are constant. They change year to year, but the hour figure is always a constant. He explained that he has been meeting with the officers, noting that he has a meeting tomorrow. He also informed that he met with John DiStefano on May 30, 2008, who painted a very bleak picture of the Borough's financial distress.

Chief Berrian assured he understood the issue and noted that everyone must pitch in. He has issued orders and edicts as to what the Police Department must be reminded of to reign in costs, but their operation is different. They cannot place a time limit on their work; they must complete whatever is started before they can go home. They finish with a minimum of staff that they need to complete a job. When Chief Berrian was hired in 1972, there was no Police Contract. The Police Contract came into effect in 1977 and that is when the benefits grew year-by-year, contract after contract. Those benefits were negotiated between the Union and the Borough. For many years, he was a part of the Union and now he is on a different side. Nevertheless, it was a fairly negotiated contract; whether it looks to be perceived as fair or not, it was negotiated by the Council and the Union. He recognized the fact that there is more the Police Department can do and this is something he is addressing with the Officers. He would like for his Lieutenants to be more accountable as far as tracking patterns of illness. Referring to the first page of his report, he

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pointed out that illness overtime is the highest category. He explained that he attempted to address this last year by putting a fourth man on the night shift. That was subsequently grieved three quarters of the way through the year. He hopes through the current contract negotiations, they can address this fairly between the Borough's expectations and the Union's rights. He believes they can come to an understanding and resolve on that.

As far as all of the other categories of overtime, he has often been criticized as treating his Budget as if it were his own personal money. He takes this as a red badge of honor because he does treat it as if it were his, as it is his obligation to reign in costs, which he tries feverishly to do. There can be more done and he is working to do so. Referring to something he compiled today, when trying to brainstorm a presentation, he informed that this was not included in his annual report. In the Police Schedule, they have drop shifts, which is a benefit for management; a bone of contention maybe for the Union, but they understand that the use of drop shifts affords them the equal opportunity to change shifts. It has given play on both sides. He addressed management's concerns with the drop shifts. In 2007, there were 77 uses of the drop shift and an average overtime salary of roughly \$80 per hour. That equates to a savings using the drop shift of roughly \$49,280 for the year 2007. Currently in 2008, there are 47 changes, equating to roughly \$30,800.

The Police Department utilizes personnel fairly and equitably for the Borough. He voiced his opinion that placing this matter on paper puts him in a very difficult situation. He encouraged the Mayor and Council to amend the Resolution in trusting the Department Heads to be as diligent as possible to curtail costs. He hoped they could do this without an overburden of restrictions, which he understands they must do and are trying to do for the better good of the populists of the Borough of Closter, but some put an unfair burden on the Police Department. He admits to having issues with the Union. When it comes down to the bottom line, there is a greater good for the public and for the Police Officers' safety that he must be mindful of, which he is; that's why he is before them this evening. He is hopeful that in the upcoming and continuing contract negotiations, they can resolve the scheduling differences; and through other procedures that he is trying to put into place, eliminate the largest portion of the overtime, which is illness overtime. He has already seen changes in this, because there has been no overtime or sick time in weeks. Regarding layoffs, he hoped that the Borough doesn't encounter this and he is diligently trying to take matters into effect so that this does not occur. He hoped they would put their confidence in him and other Department Heads that they will do the right thing for the Borough of Closter and the employees and the residents of the Borough of Closter. He was happy to answer any questions.

Mayor Heymann informed that she had some comments she wished to make and explained as follows: before she finalizes the Resolution that is before them this evening; the Personnel Committee and the Council had input on this earlier on, she made a point of accepting what Chief Berrian stated to be the exceptions that made it difficult to cut out all overtime with emergencies; and that's all part of the Resolution; she took cues from him and she placed things in the Resolution, such as the situations in which they cannot just stop; she also wished to comment on the Union contracts; the fact is that the Police Department costs are a very large part of the Borough's expenses and the residents of Closter have to carry those; the other departments in the Borough very rarely have any overtime whatsoever, and most frequently, the staff in the rest of the Borough doesn't hesitate to continue a job; she referred to the Borough Clerk, noting how often she has been here beyond her regular schedule; she also referred to Mr. DiStefano and Mr. Dahle; she added that they give a tremendous amount of time without recompense; that's not true for the Police, because they have a contract that the Borough must abide by; and because they have to abide by that contract, she was trying to find a way to lessen the costs without hurting anybody and in a fair, clear cut manner, by assuring that they weren't going to be wasting overtime hours; she didn't say no overtime hours in that resolution; she said overtime hours under normal circumstances; she doesn't know how the rest of the Council feels at this time, but it is very important to the Borough, as the Resolution points out, that we economize in every possible way in order to get help from the State; the State will be checking certain standards on an objective basis as to whether the Borough is doing everything it can to lower its costs; this is one measure that is going to be included in the effort to get Extraordinary Aid.

Chief Berrian reminded that Lieutenant Gordon retired last year and he was denied a replacement for him, which he understands. However, in the twelve years that he has been Chief, more demands have been made on Police Departments throughout the State and throughout the nation; demands regarding domestic violence and criminal investigations. Prior to his becoming Chief, there was never a school shooting and things were much different back then. Now, every department is mandated to train for it. Referring to computers, he explained that they never had computers when he started. Now, the officers have computers in their cars and they are able to do reports on victims' rights and homeland security. On top of the changes that have occurred in the years that he has been Chief, these are unfunded mandates that they are facing that they accept because they must. It is an added burden on them. For every one of these responsibilities, there is at least one officer that must attend training routinely for it. He understands that the Mayor and

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Council is in a tough spot and he doesn't envy their position, but he is also in a tough position where he must put issues aside and look for the better good of what he believes to be for the Borough of Closter and the Police Department. He promised they would be better after they get through some of the problems they are currently facing.

Mayor Heymann referred to Chief Berrian's statement regarding unfunded mandates and pointed out that some of these should actually be saving them time. However, for those people who think that the Police Department only costs them hours, tonight at the Capital Expense Meeting, they discussed the need, mandated for a fingerprint-scanning machine, which will cost them another \$45,000. There is no room in the Budget; it has to come from somewhere. Chief Berrian explained that this was capitalized and it is an improvement towards Law Enforcement; it is also for the Officers' safety.

Mr. Glidden informed that he had a few questions and asked if it was the Chief's contention that the four exceptions which are now in the Resolution are not strong enough to relieve him from these restrictions. Chief Berrian explained that he has gone far to try to curtail costs throughout his career. Referring to vacations, he pointed out that the largest issue he must address and continue to work on is the sudden illness. He reiterated that he addressed this issue in the past by putting a fourth man on the night shift. He went from a money-saving attempt to a grievance matter and now he is back trying to fix the same problem. He is confident and hopeful that they can address this through contract negotiations.

As far as other aspects of overtime, which may be vacation, he has over a year's worth of vacation. He has more than one man off per day, per year. He has one man off everyday of the year to fulfill their contractual vacation obligation. They utilize the drop shift at every opportunity they have. He has even instituted more changes. When he became Chief, he asked the Detective Bureau to cover uniform patrol shifts. This changed sometime later, but it was reinstated in an attempt to try and reign in costs. By virtue of the fact that sick time has decreased, this shows that the Police are in fact trying.

Mr. Glidden asked if the Chief could think of anything to add to the Resolution to make it more powerful. Chief Berrian hoped this would be a Resolution that is not as black and white, which would put the onus on the Department Heads to do whatever is possible within their control to reign in the costs. Mayor Heymann also asked if there was anything specific that he may wish to add to the Resolution and pointed out that this Resolution should actually help him because the Mayor and Council will take the responsibility for setting these rules. It means that he won't be blamed for enforcing this, because it is something that the Mayor and Council wished to do. She thinks this is a very important point. The fact is that by having this Resolution, the Mayor and Council is indicating that these savings are mandatory and that if people call in sick, he does not have the power to replace that person on overtime; they simply have to live with it. Chief Berrian explained that he wouldn't be able to accept this if there was a shortage of people on a shift that could have been avoided. He implored the Mayor and Council to table this until the next meeting. Perhaps they can then discuss this further.

Jim Gordon, retired Lieutenant of Closter Police Department, explained he was in attendance pursuant to the rumors of Police layoffs. He was relieved to hear that there will not be any layoffs. He applauded the Chief, who calls for Police Safety. The rumor was as follows: if a man calls in sick on a midnight shift, they will not be replaced and they will work a man solo. Definitely detrimental to the Officers' safety and the residents' safety, in this day and age, you cannot have a man working by himself. He cannot let go as he cares about these guys. He spoke with several of the officers and they had a sit-down with the Chief about the possibility of layoffs, many of them were distraught. Mayor Heymann declared that this rumor should not have gone around. He understood, but pointed out that it was still out there and thanked them for their time.

At this time, Ms. Tutoli referred to the Ambulance Calls under the Chief's report and asked for clarification. Chief Berrian explained that there may sometimes be three cars, as they may be required. If it is a minor call, generally, the Police Officers do not all stay there; the first one to the scene usually stays. It also depends on the individual nature of the call that may warrant more than one person being there or not. Sometimes, if a call is rather interesting and there are no other calls in the meantime, they will just stay to observe and possibly learn something or wait for another call to come through. For the most part, the serious calls do require more than one person there. He noted that the Police Officers are often relieved when the ambulance arrives on the scene, especially in more serious calls. However, Ms. Tutoli explained that her neighbor's son sometimes needs blood sugar stabilization, for which the ambulance responds, as well as two or three Police Officers, who sit at the scene the entire time. Chief Berrian stated that if there had been no other call, he could only second-guess that they were waiting to see if they were needed there. Some of the Ambulance Corps. members might not be capable of handling the stretcher alone. He would have to look into it further, but for the most part, if there is a second call that they must respond to,

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whoever is not needed, will leave. If they are needed at the call, they will call for assistance from another jurisdiction or an officer inside may run out to take the second call. It is a business that is not predictable and it's the unpredictable nature of the business that requires sometimes the assurance that there is that other Police Officer there as your backup.

Jim Gordon, explained he has been at Ms. Tutoli's neighbor's house several times, adding that this persons is hypoglycemic and he starts fighting to resist. Sometimes it takes two or three Policemen to restrain him to get his arm out so they can get a sugar IV going. This is why many times multiple cars are needed. Sometimes he is agitated and it is a very combative situation. Ms. Tutoli explained that her mother is also Hypoglycemic, noting that she has been resistant on occasion. However, Lieutenant Gordon explained that it is not the Ambulance Corps.' job to restrain someone; it is a Police job. Chief Berrian pointed out that since his retirement from the Police Department; Lieutenant Gordon has become a full-time member of the Ambulance Corps., which he commended.

At this time, Mr. Glidden offered a motion to table the Resolution, pending some wording changes that he would like to think about. He believed that a Resolution was necessary, as they need to restrict additional expenditures through overtime through a Resolution. Dr. Barad offered to second the motion, if, by the next meeting, they were to receive an amended resolution. He doesn't understand the intricacies as to how this coverage works. Every institution in the Country is dealing with shrinking Budgets and having to get by with less revenue, but still do their job. They all end up doing the impossible to do their jobs and if the money is not there, they cannot spend it. Right now, the money is not there. If they do what the Mayor wants them to do, they may have the money there to do more with, once they show that they have taken the measures to merit the State helping them. He didn't mind tabling it for two weeks, but if he only hears again what he heard this evening, he would probably vote to approve this Resolution. He has to hear that they are going to do something significant and it means cutting back in some way. If they can articulate better how they can re-write the Resolution so everyone can live with it, then he will probably be able to support that, but they just don't have the money to go on the same way. Chief Berrian voiced his understanding.

Mr. Hennessey didn't agree that creating a Resolution to restrict overtime is going to solve the problem in any department. He has trust in the Department Heads to do the right thing. He thinks the issues in the Police Department are separate and restricting overtime will not solve that issue; you have to address that issue by itself. Mr. Kashwick agreed with Mr. Hennessey.

BEFORE ROLL CALL VOTE, Mrs. Amitai asked if there were any records as to the number of times our Police Officers may have assisted other Boroughs and vice versa. Chief Berrian informed that there are records of this in the computer; and assured he would provide it for the next meeting, as requested. Mrs. Amitai suggested he e-mail same, so they could review it in advance. Chief Berrian agreed and pointed out that this matter is reciprocal.

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

At this time, Chief Berrian informed that he has a State Chief's Convention tomorrow and assured he would leave early to come back to that meeting.

27. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

Steve Isaacson, 97 Columbus Avenue, referred to the property on Fourth Avenue, and asked if this was part of their ROSI. Mayor Heymann didn't believe so; and Mr. Rogan explained that these were little strips of property. Mr. Isaacson asked if it was infringing on the park, and Mayor Heymann informed that they weren't taking property out of the park; it is a separate strip that was leftover.

Mr. Isaacson also explained that he had requested for the Borough Clerk to send him an OPRA request form today, which takes her away from her other work. He asked if there was any way they could have the form placed on the Website so they could download it. Ms. Castano explained that they were trying to get the Clerk's Website up and running, but this week alone, they have had at least ten to fifteen OPRA Requests that really should not have been instituted in the Clerk's Office; because of a misunderstanding in another department. They are just about ready. They have been emailing the form until they get the Clerk's site together.

Mr. Isaacson explained that he has been reading about an organization called *The Northeast Bergen All Stars* and asked if anyone knew what this was about. However, no one seemed to be familiar with this.

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At this time, Mayor Heymann pointed out that Northern Valley Sports Academy (NVSA) was on the previous meeting Agenda and was adjourned to this meeting. However, it is not on this evening's Agenda, because they have not provided the appropriate documentation that they need to begin to discuss the matter. They are missing various insurance documents and permits. Borough Clerk reminded that it had been approved at the last meeting; they approved the concept and it wasn't stated that they were going to be placing it on the Agenda. Mayor Heymann informed that she was simply mentioning why it was not on tonight's Agenda. Mr. Rogan informed that he provided a letter to the Mayor and Council as to what the Law requires for this type of thing for their consideration. Mr. Glidden voiced his understanding that there was a new contract and Mr. Rogan informed that there was a proposed contract. Mr. Glidden explained that NVSA has already agreed that they are going to hold the first two weeks of that camp in Harrington Park and then come to Closter, so they are not expecting them to be in Closter until the second week in July. Mr. Rogan explained that if they Council wished to go forward with this, they would need to make specifics as to what they're advertising in terms of the bids, dates, minimums for purchases, etc. Then there would have to be a two week publication; and if Mr. Isaacson is correct that any portion of the property that they wish to utilize is somehow linked to the Green Acres funds, they would have to run the proposed or approved lease by them as well. Mr. Rogan explained he didn't have a list of Green Acres properties.

Mr. Hennessey explained that Mrs. Amitai brought to his attention that they should also consider the open Building Department violations on file with the business that wants to take over and use the parks. If they are going to consider for them to use the park(s) in Closter, then they should first pay the outstanding summonses. Mayor Heymann explained that this was not directly relevant; what is relevant is that NVSA has not provided the documentation requested of them. Mr. Glidden questioned if they were asked for specific documentation and Mayor Heymann assured that they were specifically requested to provide documentation. In addition to which, they were also told that it would at least have to go for bids and that if it encumbered any Green Acres or ROSI properties, which it clearly does, the DEP has a right to request review of the contract 45 days before the contract is approved. Mr. Glidden pointed out that the Borough has done everything they possibly can to accommodate this company.

Borough Clerk questioned whether the terms of the Developer's Agreement with NVSA were complied with; and Mr. Rogan explained that this should be looked into by the Building Department; however, it is a separate issue from this. Mrs. Amitai pointed out that NVSA was supposed to come to court on summonses from the Building Department, but they didn't show up.

Motion to recess the meeting at 8:50 p.m. was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

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

28a. At this time, Mr. DeNicola asked for a straw poll of the Council and explained as follows: they have about \$40,000 left in the contract and they estimated the continuation of the work on Ruckman Road/Fire House to be about \$45,000. The bond is in place to cover the amount, even though it is a public contract amount. He asked the Council for their opinion and whether he should have the contractor do the work. The only reason he is asking so they get a good unit price on the large paving contract. It was the consensus of the Council members that he should have the contractor continue the work.

Motion approving the following Resolution at 9:38 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai:

28b. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(5), "A matter involving the expenditure of public funds for the acquisition of real property"; N.J.S.A. 10:4-12(b)(7), "Pending and anticipated litigation" (2); N.J.S.A. 10:4-12(b)(7), "A matter falling within the attorney-client privilege"; N.J.S.A. 10:4-12(b)(8), "A matter involving public employees"; and that the item(s) under discussion in the closed meeting will be disclosed to the public at the conclusion of the contract negotiations within 2 weeks; the litigation within 8 months; and the matter, which should be within 3 months.

At this time, Hugh Johnson asked if they were going to have the public portion of the meeting; and Mayor Heymann explained that they already did this. Mr. Johnson asked if he could be heard at this time; however, Mayor Heymann informed him that the meeting was now closed to the public. He then referred to the Borough Attorney and asked if he could speak. Mr. Rogan explained that the Council is obligated to go into Open Session after Closed Session. In response to Mr. Johnson, Mr. Rogan

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informed that the Closed Session would be approximately 20 minutes long; and at the end of the Closed Session, the public has an opportunity to speak.

Mayor Heymann resumed the Regular Meeting at 10:15 p.m.

28c. At this time, Mr. Rogan asked for a Motion authorizing the Mayor to sign a Settlement Agreement, as discussed in Closed Session, on the “ticket-quota” case with the PBA and the Borough of Closter.

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

At this time, Mayor Heymann opened the meeting to the public; however, since there was no public present, Mayor Heymann closed the meeting to the public.

29. ADJOURN

Motion to adjourn the Regular Meeting at 10:06 p.m. was made by Councilman Kashwick, seconded by Councilman Hennessey, and declared unanimously carried by Mayor Heymann.

Provided to Mayor and Council
on June 19, 2008 for approval
at the Regular Meeting to be
held June 25, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Cynthia L. Meyer utilizing
Recording of meeting and Borough Clerk’s
notes

Approved at the Regular Meeting held 06/25/08
Consent Agenda Item No. 27.a.

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MAYOR AND COUNCIL
BOROUGH OF CLOSTER

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Mayor Heymann called the meeting to order at 9:00 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick, David Barad

Cynthia L. Tutoli, Victoria Amitai
Acting Administrator/Treasurer, John DiStefano
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE 28 FOURTH STREET, BLOCK 17 AND 18 – Mr. Rogan informed he had received something directly from the property owner. The new owner's attorney is now out of the picture and he is dealing directly with the homeowner, who forwarded information, which he gave to Mr. DeNicola this evening. He will be in contact with Mr. DeNicola and will then update the Council on it at the next meeting. They are interested in purchasing the property, but they need specifics; he will speak with Mr. DeNicola over the next week and will find out if anything additional is needed.

2) STATUS REPORT RE FOLLOWING DEVELOPER'S AGREEMENTS:
PLANNING BOARD - SAM LEE, CLOSTER DOCK ROAD, BLOCK 1305
LOTS 5 & 6 FINAL SITE PLAN APPROVAL (6. M.L. 5/30/07) – They have not received the developer's agreement from Arthur Chagaris and he was unsure of the delay, but he will follow up.

3) REPORT – Mr. Rogan reported as follows:
a. He had a number of Closed Session items. They have recently received from Teamsters Local 945 their notice to file mediation, as their contract is up this year; therefore, they will need to address this as well, although it is not a matter up for Closed Session as yet. In response to Mayor Heymann, he noted that the contract is up at the end of this year. The Closed Session items were regarding an update on the Flamm purchase and one item on pending litigation.

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3. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER

1) STATUS REPORT RE CONSTRUCTION OF PERMANENT TRAFFIC LIGHT INTERSECTION OF HOMANS/OAKLAND AVENUES – The poles have been relocated by Orange and Rockland; they are still awaiting the electric service to be provided for the relocated cabinet, which must be done prior to the cabinet relocation in order for the light to be turned back on immediately.

2) STATUS REPORT RE 2007 ROAD IMPROVEMENT PROGRAM-AWARDED TO ROCKBORN TRUCKING AND EXCAVATING INC. (\$998,521.21/Awarded RM 02/13/08) – They are complete with the roads with the exception of a few minor punch-list items; the acrylic surfacing of the tennis courts is left with the posts and nets. They are about \$40-50,000 under budget because they put the removal of the unsuitable material under the roller hockey rink into the contractor's time so the cost was there. They may want to continue some paving onto Ruckman Road to near the Ambulance Corps./Fire Department area. In response to Councilman Barad, he informed that the budget for the job is \$998,000 and they are around \$950-960,000; therefore, they have about \$30-40,000 left; and he suggested that they go up to the Fire House driveway. This would be, according to his quick calculation, approximately \$5,000 below the contract amount; there is money in the Bond Ordinance to cover this, so there is not a money issue.

3) STATUS REPORT RE 2007 CURB AND SIDEWALK PROGRAM (Awarded to Arnold's Roads at RM 04/23/08 - \$132,088)- This job is continuing: Piermont Road and Demarest Avenue are completed for the curbs and sidewalks, meaning the concrete work is complete, but the restoration, top soil, seeding and fertilization still has to be completed. The contractor will be proceeding with work on Knickerbocker next; they will be working from Bergenline Avenue north; and the next block will be between Demarest and High Street. The remainder for the contract would be two blocks on Hickory, where there will be asphalt and sidewalk put in, and two lots east of Memorial Field going to Maddox Place that will get concrete sidewalk; this can be expected to be completed in 2-3 weeks.

4) REPORT RE CLOSTER NATURE TRAIL (\$78,634/Awarded to D.R. Mullen at RM 4/9/08/TENAKILL BRIDGE PROJECT (Approved at RM 03/26/08) – The contractor has secured shop drawings from the vendor of the bridge manufacturer; when they reviewed the drawings, they had some issues with the components, which went back to the contractor for resubmission. That contract is due roughly in late August/early September.

5) REPORT – Mr. DeNicola reported as follows:
a. They submitted the SAGE Grant Applications for the 2008 Local Aid Program, which is West Street, Section 3, from Wellington Avenue south to John Street; this went in last week from the Resolution at the last meeting.

In response to Councilman Glidden's question regarding the tennis courts, Mr. DeNicola informed they would be done either Thursday or Friday, depending on the weather; and it takes two weeks before the courts could be used after that. He informed it would be around July 4th, but could be before or after.

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3. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

Councilman Kashwick referred to discussion of removing a section of the guide rail by Durie Avenue in regards to the Nature Trail. Mr. DeNicola informed he had spoken to the County and they felt uncomfortable removing that section of the guide rail, as it could be a hazard; he doesn't agree entirely with this, but he understands their perspective. They were not willing to allow that section of the guide rail to be removed.

4. REPORTS

A. ACTING BOROUGH ADMINISTRATOR

1) STATUS REPORT RE 2008 MUNICIPAL BUDGET (Introduced at SM 03/19/08; Public Hearing RM 04/23/08/Adjourned to RM 5/28/08/Adjourned to RM 7/9/08) – They are still working with the Temporary Budget until the State finalizes their budget, at which point in time, they will know about extraordinary aid and they will go from there.

2) STATUS REPORT RE BOROUGH WEBSITE – This continues to be enhanced and improved.

3) STATUS REPORT RE PARIS GRANT (Approved at RM 1/9/08) – Mr. DiStefano noted that if the Borough Clerk feels they should take it off, then this item can be removed. Ms. Castano informed that she was hoping they would catch up to the Borough eventually. Mayor Heymann informed that Paris Grants are no longer being awarded to individual municipalities. Borough Clerk explained that they had signed onto the County last year; and slowly they are getting to each town.

4) REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP:

a. None at this time.

5) REPORT – Mr. DiStefano reported as follows:

a. They went out for the bans and recalculated; they have \$1.864 million at 2.289%. He distributed information. The tax sale is going to be held 6/19/08; and they have 10 people as of today. Mr. Rogan clarified that the houses were not for sale, but rather the tax certificates.

b. They had a Finance Committee meeting this evening regarding Capital expenditures and he will send out an e-mail tomorrow so they have an idea of a breakdown as to where they are with dollars and what those expenditures will be for.

c. They came up with some dates for the Open Space meetings; and he will reach out to the various Boards and Commissions to formulate a date at the end of the month for the beginning of July.

d. Mr. DiStefano informed he had one Finance item for Closed Session.

At this time, Councilwoman Tutoli asked if there was a way they could come up with a contest for the Borough employees. Mr. DiStefano explained that because Ms. Tutoli was the chair of the Personnel Committee, she could come up with something like this and there could be an incentive and that the employees would greatly appreciate this. In response to Ms. Castano, Mr. DiStefano explained that they would come up with some incentive. Mr. DiStefano commended all the departments for working with the budget because they have been struggling and it is very difficult; they are really doing a great job considering the circumstances.

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4. REPORTS (Continued)

B. BOROUGH CLERK

1) STATUS REPORT RE 2008 APPOINTMENTS – Current at this time.

2) STATUS REPORT RE 2008 OATHS OF OFFICE – These are current although we were made aware by Chief Berrian that a resignation had been received from a full time dispatcher.

3) STATUS REPORT RE 2008 LICENSES – The Borough Clerk's office is currently in the process of renewing 13 liquor licenses; Ms. Castano provided a report regarding same to the Borough Attorney today and the governing body this evening. She explained that customarily not all the licenses are renewed at the same meeting. This evening there are six licensees who have complied with all the requirements for renewal; and she hopes to have the other seven in compliance for the next meeting to be held 6/25/08. Ms. Castano advised that if they do not comply with all the terms and conditions, they cannot be selling alcohol past 6/30/08. She explained she had sent out a notice to all licensees on 4/15/08, giving sufficient time to meet all requirements, yet they are still having difficulties. The Division of Taxation is also involved as well as the Division of Alcoholic Beverage Control; and she has to make sure that each licensee obtains a tax clearance certificate before approval can be granted by the governing body.

4) STATUS REPORT RE 2008 MEETING DATES – These are current.

5) REPORT RE ELECTIONS

a. PRIMARY ELECTION HELD TUESDAY, JUNE 3, 2008 – Borough Clerk reported that this election was one of the most difficult elections she has ever experienced; it was a long day which began at 5 a.m. for the board workers to set up the polls and ended for them at approximately 9 p.m. when they brought all the election materials to the Borough Clerk's office; the turn out was low, which was expected for a primary; and it made the day a very long one. Ms. Castano explained that due to a contest in the Democratic County Committee with someone running on a separate ticket this year, they encountered a problem at the polling place; and at least five board workers informed her they no longer wished to work at the polls and would let the Board of Elections know about this. The troubleshooters spent a great deal of time at one specific school, at first to observe any problems with board workers not knowing their duties as, at the last election, some of them were unfamiliar with the procedures; and they all had to attend a refresher course. The difficulty this time was a problem encountered with the behavior of one of the challengers, which they reported to the County; but when the troubleshooters showed up, the behavior was changed. In response to Dr. Barad, Ms. Castano explained that a troubleshooter is a person who is employed by the County to go to the polling places to make sure that the election process is followed. She added that someone reported to the Police Department that this particular individual was electioneering in the hallway of the school and they had to come to inform the person to not solicit votes within 100 feet of the entrance of the school. Ms. Castano expressed concern for the board workers who worked a long day, were flustered about this conduct, and were discouraged that the law allows one person the freedom to disrupt an entire group of people.

At this time, Councilman Glidden voiced his opinion that it was wrong for the State to move the primary election up so that there were actually two primaries; and it was of no benefit to anyone.

b. GENERAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008 – Nothing to report at this time.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, JUNE 11, 2008 – 7:30 P.M.

4. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

6) STATUS REPORT RE CODIFICATION – SUPPLEMENT NO. 15 – Borough Clerk reported receiving some questions from General Code concerning the Codification which she referred to the Borough Attorney, Mayor and Borough Administrator for response. There was a follow up letter from the Borough Attorney's office advising that information was required from the Planning Board Attorney, whom they have not heard from. This is being held up once again; and she has to wait to find out if there was a response. Borough Attorney explained he would follow up regarding this.

7) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – These are moving along; there was someone recently appointed who returned his oath of office and financial disclosure statements. She sent one to the Local Finance Board, one to the Chairman of the Board of Ethics and kept a copy for her files.

8) REPORT – Mrs. Castano reported as follows:

a. Regarding OPRA requests, due to a misunderstanding this past week, her office was getting OPRA requests for every department. The initial understanding between the departments regarding the Open Public Records Act and the information received from the GRC was that because the procedures for obtaining copies of records were so easily followed in the Borough of Closter, if someone came to the office which maintains the records, they could fill out a simple form and receive copies quickly. She deputized all other department heads because people could be sent directly to them and there would be no problem waiting for a response. Ms. Castano was recently informed by someone requesting an OPRA form that there was a new procedure, which she was not made aware of, that everybody has to come to the Borough Clerk's office. As an example, she explained that people are coming from the Construction office to her office to fill out an OPRA request for documents that are maintained in the Construction office. She explained that if they come to her office she has to write a letter to the requester copying the Construction Office asking that they provide her with the paperwork, which they maintain in their office; then she has to write a letter to the person to inform them of the cost for the copies, which does not make any sense at all and is a waste of time.

Borough Attorney advised he had spoken to the Construction office about this; and Ms. Castano informed nothing had changed. He noted he would speak to them again; and explained that they were informed to provide a *copy* of the OPRA request to the Borough Clerk so that it is on record that the request was made. It was not supposed to be that the requester has to come to the Borough Clerk's office. Ms. Castano informed that she has received ten requests and voiced her opinion that it is very easy for a specific department to misunderstand the workings of the procedures to make it easier for that department. She noted having encountered another problem, and asked the Borough Attorney whether a department head can explaining that they are low in staff and cannot meet the deadline requirements of seven (business) days is adhering to the mandates of OPRA. Borough Attorney confirmed that they should have a meeting to discuss this and added that the seven-business day requirement is statutory. He recommended that a meeting be arranged for department heads for a presentation on OPRA.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, JUNE 11, 2008 – 7:30 P.M.

4. REPORTS (Continued)

C. CHIEF OF POLICE

1) REPORT – Chief Berrian reported as follows:

a. Dispatcher Jean Marie Varni has decided to take a position elsewhere; and he would like to receive authorization from Interborough to look for a full-time replacement. It is really cost effective to have a dispatcher rather than police officers on the desk. There is a pool of part-timers; and he sent an e-mail asking that if anyone was interested they can contact him; he has had two responses thus far; and he would like to poll the officers and dispatchers and interview those that are interested if he is authorized to go further with replacing one full-timer.

In response to Mayor Heymann, Chief Berrian affirmed that he did wish to replace Ms. Varni's position. Mayor Heymann informed that replacing her as soon as possible fits the Interborough responsibility and Emergency Management responsibility. It does not go into the Borough freeze situation because it is part of Emergency Management; there is no reason why she can't be replaced as soon as possible. Chief Berrian informed that she resigned on Friday and that he felt it was less of a hassle to wait a few days and come forward formally. If this is what she wants, he will proceed; he confirmed that this does in fact open up a slot for a part timer. She did not wish him to skimp on people at the desk, as it is more cost effective than uniformed officers.

b. Chief Berrian hoped that the Borough would consider having an auction as they usually do for unused equipment in the Borough to make room. The equipment that needs to be sold must be advertised. In response to Ms. Castano, Mr. DiStefano confirmed that they could in fact do this online.

c. He was going to ask for a Closed Session matter, but he did not feel he needed to; he commended Mr. DiStefano for attending the Officer's meeting on 5/30/08. He asked him to attend briefly and explain to everyone the crisis the Borough was facing; Mr. DiStefano stayed for an hour and fifteen minutes. He did not think it would be well received, but it was better received from someone in the Finance office than from the Chief himself.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS

a. GRANTS FILED

1. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE (Extension requested???)

2. GREEN COMMUNITIES 2008 APPLICATION FOR \$4,500 WITH A MATCHING SUM FROM CLOSTER IN THE AMOUNT OF \$1500 (Requested by Mayor Heymann 11/7/07)

At this time, Mayor Heymann informed that she will receive this week an application for Recreation Open Space; and it is a conglomerate of items that will improve Memorial and Ruckman fields. The request is in the range of \$62,000 with a 50% matching grant from the Borough. The Resolution will come at the next meeting with information for the deadline for this application; if anyone had questions, she has the information in her office.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, JUNE 11, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR (Continued)

b. GRANTS AWARDED

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED?- ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE (8.M.L.7/26/07)
2. BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04) (~~\$190,000.00~~ \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05)
3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05
4. (DCA) DOMESTIC VIOLENCE TRAINING REIMBURSEMENT GRANT FOR SWORN OFFICERS \$1,411.92 Awarded/ rec'd 9. M.L. 5/24/07)
5. ANJEC GRANT - \$20,000 requested/\$6,000 received
6. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07)
7. HAZARDOUS DISCHARGE SITE REMEDIATION FUND APPLICATION (Requested by Mayor Heymann 11/7/07) – At the WS of 03/12/08, Mayor Heymann reported that \$6,600 was awarded for this grant. – 12. ML 03/06/08
8. FY2008 ENHANCED 9-1-1 GENERAL ASSISTANCE GRANT- \$28,019.00 awarded (5. M.L. 04/24/08)

c. GRANTS TO BE FILED

- 2) REPORT RE STATUS OF COAH 3RD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN DOCUMENT COMPLETION; DEADLINE: 11/26/07 (4. M.L. 8/2/07)
- 3) STATUS REPORT RE SKATE PARK DONATION (Letter received from Borough Attorney 10/2/07)
- 4) FOLLOW UP REPORT RE DOCUMENTATION OF ACTIONS VIS-A-VIS TREE INSPECTIONS (Requested by Mayor 2/8/08 to be placed on Agenda – Discussed at WS 2/13/08)
- 5) REPORT – Mayor Heymann reported as follows;
 - a. She referred to her sharing of the request made to include the minutes of all the Boards and Commissions on the Borough website. She received information from the Board of Ethics and noted that she received acknowledgement from Kevin Whitney. She informed that the process will be accelerated, as the minutes do not have to go to John DiStefano any longer, but rather directly to Kevin Whitney; therefore, there is no excuse to not have information on the website, as Kevin is obligated to put on the information.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, JUNE 11, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR (Continued)

b. Referring to the discussions with Orange and Rockland that Mr. DeNicola alluded to earlier, Mayor Heymann informed that they had an issue for the last year and a half where Orange and Rockland had cut down a great number of trees behind 51 Railroad Avenue, which is a buffer for homeowners on Herbert and Railroad Avenues. They have finally come to a decision whereby 51 Railroad Ave is making a contribution of over \$2,000, Orange and Rockland will make one of \$6,000 and the trees will be replaced.

c. They have to deal with the COAH report; besides the report from Art Bernard in the packet, she solicited a proposal from Hakeem Associates in Harrington Park, who have worked with the Borough before and do most of the work in the communities in this area. She brought the information with her this evening if anyone wished to review. In response to Councilwoman Amitai, Mayor Heymann explained that they were very familiar with the area; and the communities they have worked with are listed on the last page of the information.

d. She had one item for Closed Session that could be possible litigation.

Councilman Barad referred to the article in today's Suburbanite about the lead in the turf at Northern Valley Regional High School in Demarest. He asked for clarification about the turf having to be ripped up and removed, as he was not sure this was necessarily true. Mayor Heymann informed that the story on the turf is approximately two weeks old when the Northern Valley Board of Education decided to test their turf, even though the State did not require this, and it turned out that it is beyond the toxic level that is approved.

There was a great discussion before this as to the fact that they were considering not allowing anyone other than the high school teams to use the field. She did not believe there was a specific issue regarding this, as there was a great number of parent and residential complaints. The Vikings, which is the travel team that feeds soccer players into the high school teams, is one of the teams that uses the field; and the parents let her know their discontent. As a result of the complaints, Principal Dr. Bruce Sabatini called a meeting of the administration of the high school and the Mayors of the three towns, which will take place on Monday. The issue of the toxicity will be coming up; and the high school administration is seriously concerned over this; they are having more tests done; and the results could be much more positive than what the public has been reading.

Councilwoman Amitai informed that some of those same parents that were complaining were also the ones begging for the artificial turf. Mayor Heymann noted that it was good they said no to Tenakill School; and it turned out to be beautiful with natural grass; they were very lucky.

5. OLD BUSINESS

No one wished to be heard.

6. NEW BUSINESS

No one wished to be heard.

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

No one wished to be heard.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, JUNE 11, 2008 – 7:30 P.M.

8. OPEN MEETING TO THE PUBLIC

Jesse Rosenblum, 65 Knickerbocker Road, referred to the artificial turf issue, and informed that according to the Suburbanite, the lead was coming out of the coloring in the field and at previous meeting, the turf only has the life of seven years. If that is true, the turf will be degrading each year and it will keep coming out. Mayor Heymann suggested reading the entire article and that the way the lead paint is wedged to the turf fibers is that it cannot leach out. It is not providing toxic anything to anybody because it cannot leach out. Also, it will not need to be replaced and the whole reason that lead is encapsulated in the fibers is to keep the color as long as possible.

Mr. Rosenblum questioned if the material degrades, how the lead stays in. Mayor Heymann clarified that the lead does not necessarily degrade; what he heard regarding seven years is one person's estimate, others estimate 15 to 20 years. Mr. Rosenblum stated that the plastic containers that stay out in heat and then are exposed to cold fall apart; Mayor Heymann noted that some plastics can last for 1,000 years, to which Mr. Rosenblum replied that those plastics are expensive plastics and the fibers in the turf are going to degrade. Mayor Heymann informed that Mr. Rosenblum did not know any more about this issue than did she, which was not much information.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

10. ADJOURNMENT

Motion to adjourn the Work Session at 9:35 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on June 19, 2008 for approval at
the Regular Meeting to be held
June 25, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Donelle Bright
utilizing recording and
Borough Clerk's notes

Approved at the Regular Meeting held 6/25/08
Consent Agenda Item No. 27.b.