

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JULY 9, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, July 9, 2008. Mayor Heymann called the meeting to order at 7:35 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., 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

Fire Chief, Brian Pierro

Acting Superintendent of Public Works, William Dahle

Deputy Tax Collector, Maria Passafaro

The following persons were absent:

Councilman Thomas Hennessey

At this time, Mayor Heymann explained she wished to make two announcements about Closter, to which she took delight. She explained as follows:

The first thing is that the A&P of Closter was the number one “Check-Out Hunger” store in all of New Jersey under the A&P banner for the hunger drive; she thinks this is quite a credit to the people of Closter, as well as to the Management of the A&P, because this relatively small community provided more food for the hungry than any other community in the state.

She was pleased to announce that Closter was granted \$250,000.00 from the State of New Jersey in Extraordinary Aid, which would help to offset the Borough’s taxes for all of the taxpayers; she wished to thank everyone on Closter’s staff who worked very hard not only to pare our Budget, but to prepare it in such a fashion that it made an impression on the State authorities that made the grant to Closter; she wanted to thank them all officially.

4. PUBLIC HEARING AND ADOPTION OF THE 2008 MUNICIPAL BUDGET, WITH RELATED RESOLUTIONS:

The Municipal Budget was introduced at the Special Meeting held March 19, 2008. Synopsis of the Municipal Budget was published in the Press Journal on April 3, 2008, as stated in the printer's affidavit of publication. Reprint of the Synopsis was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public. A copy of the Municipal Budget was hand delivered to the Closter Library on March 25, 2008 for review by the public, as stated in the Municipal Clerk's memo to the Mayor and Council dated March 25, 2008.

At the Regular Meeting held April 23, 2008, the public hearing and adoption of the Municipal Budget was adjourned to the Regular Meeting of May 28, 2008.

At the Regular Meeting held May 28, 2008, the public hearing and adoption of the Municipal Budget was adjourned to this meeting, pending receipt of word from the State regarding Extraordinary Aid.

At this time, Mayor Heymann explained as follows: they cannot have the hearing until they write the Budget; thankfully, they now have something to write about and the process will be that they are going back to the drawing boards; they are going to review the Budget in its entirety, adding the

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\$250,000 to Anticipated Revenue; and also looking at all of the categories already in the Temporary Budget, which they may be able to pare down, because they have been so frugal in the first six months, that they may be able to make some other adjustments in the Budget; she doesn't want anyone to expect huge differences, because \$250,000 doesn't go so far when you're dividing it against 2,500 plus homes; but nevertheless, there will be a change for the better.

At this time, the Borough Attorney suggested that the Mayor adjourn Item No. 4 to the July 23rd meeting for an update by the Acting Borough Administrator.

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

Mayor Heymann opened the meeting to the public.

Jack Kelly, 132 Herbert Avenue, questioned if new notices would be sent out regarding the taxes. Mayor Heymann assured they would do so and explained that the taxpayers will find out that a letter was omitted with the original estimated tax bill, which was only for the third quarter; they will receive the letter that was omitted within the next few days to explain what was happening. In time for the fourth quarter, there will be a completely new bill, which will be like all of the previous bills, for the three quarters that are remaining. There will be an adjustment, because in all likelihood, the payment that you are now responsible for, that bill that you got, you are responsible for that by August 1, 2008; that bill will not be adjusted. The \$250,000 will go for the whole year, but the adjustment will be in the next bill.

Mr. Kelly asked if the Flamm property was completed with regards to payment; and Mayor Heymann explained that they have not finally signed the contract yet; the Flamm Estate has not signed. He questioned how much it will cost in the end; and Mayor Heymann informed that the amount has been decided, noting that it will cost, but it will not cost the Borough anything. Mr. Kelly insisted that she inform him of the final cost of it. Mayor Heymann informed that it was \$700,000.00, reiterating that it will not cost Closter, as it is all covered with grants; both from the County and the State.

Mr. Kelly voiced his understanding that his taxes increased by \$300.00 for the quarter; that means approximately \$1,200.00 for the year. Mayor Heymann assured it would be less than that; and Mr. Kelly disagreed with the statement she had made earlier about the Borough being frugal, when his taxes are increasing so much. Mayor Heymann pointed out that one third of the entire Budget is for Public Safety. Our Budget primarily consists of mandated and contractual obligations; there is very little leeway for us. In response to Mr. Kelly, Mayor Heymann assured that she would be happy to hear of any suggestions to cut the Budget back. Otherwise, they are doing everything they possibly can.

Mr. Kelly referred to the job on Knickerbocker Road with regard to sidewalks and asked how it was paid for. Mr. DeNicola explained that the Borough gives waivers to residents who are constructing a sidewalk and they deposit monies for the curb and sidewalks. They collected enough money to pay for approximately 80% of it; however, he was not sure of this, as he did not have the numbers.

John Finan, 55 MacArthur Avenue, asked for clarification regarding the \$250,000.00 that was given to Closter from the State. Mayor Heymann explained as follows: the State originally took away the Municipal Aid from the smaller towns; they took away most of the Municipal Aid from the towns with under 10,000 residents, which included Closter; then they changed their minds and added 25% to the original sum; unfortunately, Closter's original sum was zero; therefore, the Borough didn't get any Municipal Aid; and now they are getting the Extraordinary Aid of \$250,000.00. Mr. Finan voiced his understanding that they didn't get any basic aid, so they are getting the Extraordinary Aid.

Mr. DiStefano explained that it was a reduction; and Mr. Finan questioned this, as he was trying to make sense of the bill he received. He asked if it was a large amount; and Mr. DiStefano noted as follows: it was a nice starting point; it's a very good piece of change and they didn't expect it. Asking for a dollar amount, Mr. Finan questioned what amount of aid they are given per year. Mayor Heymann explained that the Municipal Aid they would have gotten would have been considerably less than that, but there are other dollar categories of aid for specific reasons. So, they get some State Aid; a good portion of which is passed through taxes that the State allocates to the individual municipalities. Mr. DiStefano informed that they have to go back to the Budget now that they know the number. Mayor Heymann reminded that the Budget is posted on the Borough Website.

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6. COMMUNICATIONS

a. MAIL LIST – JUNE 26, 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: Chief Berrian asked that Item No. 6 be removed.

Item No. 6 - Received 06/24/08, dated 07/06/07, from Asha C. Jotwani, CEO, Sadhu Vaswani Center, requesting permission to hang banners opposite the PNC Bank for annual Carnival to be held Sunday, 9/14/08 (Copy to Glenn Parsells, Keith Sager, Leonard Sinowitz, Chief Berrian); DiStefano/Insurance; Possible approval upon receipt of approval of insurance requirements from Risk Management Consultant

Chief Berrian explained that he also received a letter from the Sadhu Vaswani Center. However, it is different than the one sent to the Mayor and Council. The letter he received is a request for Durie Avenue to be closed the day of the Carnival. He informed he has correspondence going back to 1999 and they did close the road one year, with a letter following that they would not be closing the road again in the future. He confirmed that they will not be closing the road this year per past practice. Mayor Heymann pointed out that they had provided additional parking allowance to the Center last year on the side where they don't usually allow parking. At the request of the Mayor, Chief Berrian assured he would work with them on this issue. Mr. Glidden clarified that they requested this accommodation last year.

b. MAIL LIST – JULY 3, 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: Dr. Barad asked that Item No. 4 be removed; Mrs. Amitai asked that Item No. 3 be removed; Donald Schmidt asked that Item No. 2 be removed.

Item No. 2 - Received 06/30/08, dated 06/30/08, from David M. Watkins to Borough Clerk, regarding Notice re Zoning Board of Adjustment Hearing to be held on 7/16/08 at 8 p.m. regarding the application of Desan Enterprises, Inc. for site plan approval to convert two office units into two affordable housing residential apartments at Block 1301, Lots 10 & 11, 170; Closter Dock Road; Hennessey/Zoning Board of Adjustment

Donald Schmidt, 162 Closter Dock Road, explained he was unaware of what happened to the lot and block file, and referred to the letter from David Watkins, informing that he is looking to convert two offices into apartments. However, there is nothing in the files that shows that these apartments exist. He noted that if you go back to previous records in the Tax Office, you will find that there was one apartment up there. It was in deplorable condition and not being used. When he hears that there is a man here who is having trouble getting permission for a two-family house and the Zoning Board of Adjustment and Zoning Officer picks up the background on this, but in this situation, he doesn't pick up the background. It was sent to the Planning Board, who did the job properly and said it had to go to the Zoning Board. When it got to the Zoning Board of Adjustment, they had no background history whatsoever, they ended up going right into testimony for an architect. He tried to ask a question and his comment was "David Watkins may have taken care of these people for a dog's age, as he testified, but he did not come here as a witness and he can't be examined". He thinks the Boards and the Zoning Officer are the ones who should be taking care of this.

Mayor Heymann explained that if she read the notice directly, it is a notice for the public to know that this will be discussed on July 16, 2008 at the Board of Adjustment. She thinks that his very applicable story should be given to the Board. Mr. Schmidt explained that they started a hearing on it prior to this and the Board asked them to re-notify because the notice indicated that it was going to be a Planning Board hearing. When it got to the Zoning Board of Adjustment, they didn't get any public input. They are going to take all of the testimony from their witnesses, which is an engineer and an architect; the applicant is not going to be a witness. They should have a file to start with, instead of taking all of this information and spending all of this time and money for the Board. They should be looking at a previous lot and block record.

Mayor Heymann explained that whether or not the Mayor and Council agrees with his point of view is irrelevant; it is the Zoning Board of Adjustment that must deal with the matter. Mr.

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Schmidt explained he is trying to avoid this going into an appeal, which will cost the taxpayers money; that is the direction in which it is headed. He is also going to strengthen his case for the appeal when it gets to that point. He is trying to go through all of the processes he possibly can on a local level before it gets to a County or State level. Mayor Heymann agreed that this was fair and suggested he bring this point before the Zoning Board. Mr. Schmidt pointed out that he was bringing it to the Governing Body's attention so they are aware of it and that there is possible pending litigation. The applicant does say exactly what he is doing to the Zoning Officer, but never brings it to the Board of Adjustment. In response to Mr. Glidden, Mr. Schmidt explained that 170 was Alpine Motors.

Item No. 3 - Received 06/30/08, dated 06/24/08, from David M. Watkins to Borough Clerk, regarding Notice re Planning Board Hearing of the Borough of Alpine to be held 7/22/08 at 8 p.m. regarding the application of Walter and Susan Roura for major subdivision approval at Block 78, Lots 1 & 2 in the Borough of Alpine, Anderson Avenue; Amitai/Planning

Mrs. Amitai questioned how often they get something of this nature from the Borough of Alpine. She assumed that it was an invitation to the meeting, since Closter is on the other side of Anderson Avenue. She asked if this was related to sewers. Mayor Heymann informed that it was totally separate from that and explained that every entity within 200 feet of a location has to be notified whether it's in the same town or not. That is the reason Closter was notified. Mrs. Amitai suggested that somebody attend this, as it may affect them. Mayor Heymann agreed that this was a good idea, as the Borough gets the drainage problems from them; they have participated in the past. In response to Mrs. Amitai, Mr. DeNicola informed that he is not able to see a site plan in another town. Mayor Heymann assured they would check into it. Mr. DeNicola explained that Alpine has to abide by RSIS, which have standards for drainage; they must abide by this by State Law.

Item No. 4 - Received 06/30/08, dated 06/26/08, from Assemblyman Alex DeCroce, Republican Leader, regarding letter re repealed/modified State mandates; request for completion of attached Assembly Republican State Mandate Repeal Form to identify and eliminate current laws and regulations regarding State mandates; Mayor Heymann

Dr. Barad explained that they often discuss these mandates that they cannot do anything about; and this is an opportunity to apprise the Legislature of the very thing that they are upset about. Mayor Heymann informed that she already had a list and urged anyone who knew of any mandates that take time and money, to provide her with information about them. Mrs. Amitai suggested they meet with the Department Heads; and Dr. Barad recommended they should do a formal process. The more they can give them, the more effective it will be.

7. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY
(Subject to 5-minute per By-Laws General Rule No. 10)

Mayor Heymann opened the meeting to the public for Communication items only and no one wished to be heard.

8a. 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

9.* INTRODUCTION OF BOND ORDINANCE NO. 2008:1015, "AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS IMPROVEMENTS IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$385,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$366,645 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME PUBLIC HEARING 8/13/08 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Bond Counsel 7/2/08)

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8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

ORDINANCES AND RESOLUTIONS (Continued)

- 10.* INTRODUCTION OF BOND ORDINANCE NO. 2008:1016, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$50,000 FOR THE ACQUISITION OF A PUMPER FOR THE FIRE DEPARTMENT AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$50,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$47,615 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME” - PUBLIC HEARING 8/13/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Bond Counsel 7/2/08)
- 11.* BILL RESOLUTION – JULY 15, 2008
TO BE PREPARED BY TREASURER
- ~~12.*~~ 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, RM 6/11/08, RM 6/25/08
- ~~13.*~~ 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; RM 6/11/08; RM 6/25/08
TO BE PREPARED BY BOROUGH ATTORNEY
- 14.* RESOLUTION REGARDING GRANTING OF OVERTIME FOR BOROUGH EMPLOYEES (Received from Borough Attorney 6/5/08) Adjourned from RM 6/11/08 pending receipt of information from Chief of Police; Adjourned from RM 6/25/08/Public Safety Committee meeting to be held to discuss this matter – TO BE PREPARED BY BOROUGH ATTORNEY
- 15.* RESOLUTION AUTHORIZING RENEWAL AND ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-005-003 (inactive/pocket) TO MODERN BAR, LLC FOR 2008-2009
- 16.* RESOLUTION AUTHORIZING AD INTERIM PERMIT FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-006 ISSUED TO KLIP, LLC. t/a ASSEMBLY EAST HILL, 597 PIERMONT ROAD
- 17.* RESOLUTION APPROVING APPLICATION WITH NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR GRANT, FOR APPROXIMATELY \$10,000.00, TO CARRY OUT A PROJECT TO ENHANCE PROGRAMS OF THE CLOSTER RECREATION COMMISSION CHALLENGER PROGRAMS, A RECREATION PROGRAM FOR INDIVIDUALS WITH DISABILITIES– GA.#08-2051-00/Acct.#08-100-022-8050-035-FFFFF-6120 Grant/Loan Award Period: 1/1/08 through 12/31/08 (4. M.L. 4/17/08/Received from Mayor Heymann 7/1/08)
- 18.* RESOLUTION APPOINTING CHRISTOPHER OSENBRUCK TO SERVE AS FULL-TIME DESK DISPATCHER FOR AN UNEXPIRED 1-YEAR TERM (VARNI) TO 12/31/08 AT THE STARTING RATE OF \$31,726.60, EFFECTIVE 7/16/08 (Received from Chief Berrian 6/30/08)
- 19.* RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE 2008-2009 SNOW PLOWING PROGRAM AGREEMENT WITH THE COUNTY OF BERGEN (3. M.L. 6/26/08)
- 19a.* RESOLUTION NO. 3 RE 2008-2009 LIQUOR LICENSE RENEWALS

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8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

MOTIONS

20.* 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, 6/11/08, 6/25/08

| <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 |

21.* 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, 6/11/08, 6/25/08

| <u>Appointee</u> | <u>Class</u> | <u>Term</u> | <u>Expiration</u> |
|------------------|--------------|-------------|-------------------|
|------------------|--------------|-------------|-------------------|

- a. _____
 b. _____

22. GRANTING APPROVAL FOR THE CLOSTER LIONS CLUB TO CONDUCT 50/50 OFF-PREMISE
 CASH RAFFLE ON SUNDAY, 8/31/08, AT THE TENAKILL SCHOOL PARKING LOT, 275 HIGH
 STREET, CLOSTER, NJ, FROM 11 A.M. TO 4 P.M. (Completed application filed and appropriate fees
 paid 7/3/08)

23. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 7/3/08) ABSTENTION:
 BARAD:

- 1) REGULAR MEETING HELD JUNE 25, 2008
- b. WORK SESSION HELD JUNE 25, 2008

24.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

a. CONSTRUCTION OFFICIAL – June 2008 (Received 7/2/08)

The following items were removed by the following individuals: Mayor Heymann removed Item
 Nos. 13 and 14; Ms. Tutoli asked that Item No. 12 be removed; Mayor Heymann also removed Item No.
 12. No action was taken on Item Nos. 20 and 21.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 12, 13, 14, 20 and 21 was made by
 Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann
 upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

25. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

14. RESOLUTION REGARDING GRANTING OF OVERTIME FOR BOROUGH EMPLOYEES
 (Received from Borough Attorney 6/5/08) Adjourned from RM 6/11/08 pending receipt of
 information from Chief of Police; Adjourned from RM 6/25/08/Public Safety Committee meeting
 to be held to discuss this matter – TO BE PREPATRED BY BOROUGH ATTORNEY

Mayor Heymann explained that after discussion between the Council and various members of
 the Police Department, an agreement was made that they would attempt to do this on a voluntary
 basis for the next quarter. This will determine whether everyone will be acquiescing with the
 impetus they have provided for them.

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13. 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; RM 6/11/08; RM 6/25/08
TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann explained that they are not yet ready for this with regard to the costs.

12. 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, RM 6/11/08, RM 6/25/08

Mayor Heymann removed this, noting that they invited the Tax Assessor to discuss the issue with them for further information. Mr. Rogan informed that she was scheduled to be in attendance at the Council Meeting of August, 13, 2008, adding that they may have to change the date, as the Appraiser is also coming.

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

Jack Kelly, 132 Herbert Avenue, commended the DPW for doing an excellent job moving trees and cleaning up the roads during the storm.

Motion to recess the Regular Meeting at 8:05 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

Mayor Heymann resumed the Regular Meeting at 8:45 p.m.

- 26b. At this time, Mayor Heymann asked for a Motion regarding the Quiet Zone issue. Mr. Glidden asked for an explanation first. Borough Engineer explained that it was a motion to contact the adjacent towns to see who wants to get on board to participate in the Quiet Zone study/analysis.

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

- 26c. At this time, Mayor Heymann explained that the Borough Engineer had requested the Council's outlook on a particular matter. Mr. DeNicola informed that the motion would pertain to approving additional monies beyond the bid price of paving. He explained that it would be \$6.00 in addition to the bid price. This would be to pave the portion of Ruckman Road from Oakland Avenue to the Ambulance Corps. or Fire House driveway. Mr. Kashwick asked how many more tons they would need for this; and Mr. DeNicola provided an estimate of approximately 750. In response to Dr. Barad, Mr. DeNicola informed that it is not material they already have, but it is money they already have. However, he cannot authorize an increase in the bid price without the consent of the Council. They won't be extending any more money because there is money left over in this contract as well as the sidewalk contract, which they are combining and adding to the Road Paving Program. He advised that the motion would be to compensate the contractor the additional \$6.00 per ton for the extra work on Ruckman Road.

At this time, Jack Kelly inquired about the price increase; and Mr. DeNicola explained that the contractor saw a much bigger increase than \$6.00, but they convinced him to do it for less since he has been working with the Borough.

Motion to compensate the contractor an additional \$6.00 per ton for the additional work on Ruckman Road was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

At this time, Mr. DeNicola pointed out, for case comparison, that the bid price which they recently received for West Street was \$82.00 per ton.

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At this time, Mr. Kashwick resigned his position as Council President, pursuant to the precedent that the Governing Body set last year with regard to the sharing of the Council Presidency.

- 26d. Motion to nominate David Barad as Council President was made by Councilwoman Amitai, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.
- 26e. Motion approving the following Resolution at 8:45 p.m. was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai:

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)(1), “A matter required by law to be held confidential; and N.J.S.A. 10:4-12(b)(7), “A matter falling within the attorney-client privilege; and that the item(s) under discussion in the closed meeting will be disclosed to the public at the conclusion of the matter which should be within 4-6 weeks

Mayor Heymann resumed the Regular Meeting at 9:17 p.m.

At this time, Mayor Heymann explained as follows: it is mandatory that when something that takes place in Closed Session is resolved, it is made public; since the public is in attendance, before they adjourn, she wished to recap the discussion that took place; the sum of it is that they queried the Deputy Tax Collector and the President of Munidex, who sent out the bills; they went over the errors that were made and how to assure that those errors would never be made again; she thinks they resolved this and there will be a written report from the Acting Borough Administrator to the Council and to the girls. Borough Attorney clarified that everything would be reconciled by the fourth quarter.

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

No one wished to be heard.

28. ADJOURN

Motion to adjourn the Regular Meeting at 9:18 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on July 17, 2008 for approval
at the Regular Meeting to be
held July 23, 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 7/23/08
Consent Agenda Item No. 20.a.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, JULY 9, 2008 – 7:30 P.M.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, JULY 9, 2008 – 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – JULY 9, 2008 - 7:30 P.M.

Mayor Heymann called the Work Session to order at 8:07 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., 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
Fire Chief, Brian Pierro
Safety Officer, Tom Reinecke
Acting Superintendent of Public Works, William Dahle

The following persons were absent:

Councilman Thomas Hennessey

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 they are continuing talks with the property owner, who has come back and requested an additional easement, to which they were informed they were not entitled. He hoped to have concrete conditions by the next meeting.
- 2) STATUS REPORT RE FOLLOWING DEVELOPER'S AGREEMENT:
 - a. PLANNING BOARD - SAM LEE, CLOSTER DOCK ROAD, BLOCK 1305 LOTS 5 & 6 FINAL SITE PLAN APPROVAL (6. M.L. 5/30/07) – He has not received this from the Planning Board Attorney and will continue to follow up on it; Mayor Heymann noted that she had spoken with him and he informed her that he was working on it.
 - 3) REPORT – Mr. Rogan reported as follows:
 - a. Information regarding Cablevision was distributed to the Council in reference to their seeking to renew. In response to Mr. Rogan, Mayor Heymann informed they had already referred this to the Cable TV Committee.
 - b. Regarding Vantage, they may wish to discuss this in Closed Session initially; and there is a packet on this for the Council.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, JULY 9, 2008 – 7:30 P.M.

3. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

c. At the last meeting, they were trying to schedule the Appraiser to come to a meeting and he was unable to do so tonight and is not available for the next meeting; he is tentatively scheduled for 8/13/08, but Mr. Rogan noted that he will try and arrange something suitable for the Council and the Appraiser, which will most likely be the first meeting in September. This is to discuss a possible settlement and there are no time restraints. Also, the Council had requested the Assessor be present on other issues including the comparison of other property values that was given to Mr. Rosenblum; and she will be making herself available as well, most likely prior to the availability of the Appraiser.

B. BOROUGH ENGINEER

1) STATUS REPORT RE CONSTRUCTION OF PERMANENT TRAFFIC LIGHT INTERSECTION OF HOMANS/OAKLAND AVENUES – The pole has been relocated by Verizon and Orange and Rockland. The remaining work is for the utility companies to relocate the lines, placing them higher on the poles so it does not interfere with the mast arm of the signals. This is scheduled to take place next week, provided there are no storms, which hold up utility companies up to two weeks as they are cutting down trees and repairing lines.

2) STATUS REPORT RE 2007 ROAD IMPROVEMENT PROGRAM - AWARDED TO ROCKBORN TRUCKING AND EXCAVATING INC. (\$998,521.21/Awarded RM 02/13/08) – There are two outstanding items: the punch-list items, which involves rectifying issues as some of the work deemed unacceptable needs to be corrected; and the additional work on Ruckman Road, which the Borough requested. Initially, the Borough requested that they do up to the Fire House driveway area; they indicated to the Borough that they would need additional money beyond the bid price due to the increase in asphalt. As this project was bid in February and the price of asphalt has risen with oil costs, they have requested a \$10/ton increase and they got them down to \$6/ton increase. This \$6/ton increase was discussed and agreed upon with Mayor Heymann and Mr. DiStefano, but Mr. DeNicola wished to confirm same with the Council for the work on Ruckman Road from Homans Avenue to the area near the Fire House driveway.

3) STATUS REPORT RE 2007 CURB AND SIDEWALK PROGRAM (Awarded to Arnold's Roads at RM 04/23/08 - \$132,088) – The work is almost complete as there are only top soil, seeding and fertilization issues which need to be rectified and most likely be completed next week.

4) STATUS 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 resubmitted shop drawings to Boswell Engineering for review; the issue is design of the piles, which are being used to reduce the cost. It is up to the agency to rectify the issues with the piles and these will go out by the end of the week.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, JULY 9, 2008 – 7:30 P.M.

3. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

5) REPORT RE QUIET ZONES (Requested by Mayor Heymann 6/19/08 - Discussion held at WS 6/25/08) – Mr. DeNicola investigated into Railroad Controls Ltd., as they were the ones who came to the Northern Valley with a presentation. They would charge the approximately \$7,500, depending upon the numbers of municipalities involved, in order to conduct an investigation to see which quiet zone alternative would be best for the corridor. Prior to the proposal, they need to determine how many towns will be involved, the more that are involved, the smaller the fees are for the Borough. Once this is done, there will be several alternatives that need to be looked at; some are expensive and others are not; they need to look into each grade crossing independently for analysis. Once they get the number of towns involved, they will request a proposal from Railroad Controls Ltd. to do their analysis.

Mayor Heymann informed that in order to do this, they will have to make a motion upon return to the Regular Meeting to contact the towns involved in this stretch of the railroad and ask if they would be interested in cooperating with us to get that estimate and share the cost. Mr. DeNicola informed the minimum would be including Closter, Harrington Park, Haworth, Norwood, and possibly Northvale.

6) REPORT – Mr. DeNicola noted there was nothing further to report.

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) – Mr. DiStefano reiterated that the Borough received \$250,000 in Extraordinary Aid; and they will begin reworking the Budget using this Revenue. He thanked the Department Heads for looking at their budgets and keeping them in check, which will help to make this budget come under so they will not have to go for a cap. He hoped to have the amendments to the Borough Clerk by next week.

2) STATUS REPORT RE BOROUGH WEBSITE – This is moving along; and he will have a meeting with Councilman Kashwick and Kevin Whitney regarding some changes they wish to implement.

3) STATUS REPORT RE PARIS GRANT (Approved at RM 1/9/08) – Mr. DiStefano noted to Mrs. Castano that this could probably be removed. Ms. Castano reported that she found out that what she had faxed to the County in January had not been received; therefore, she re-faxed everything indicating that she had faxed it at that time; and they will be following through; she requested this remain on the Agenda as they could save money.

4) REPORT RE INSURANCE ITEM (S) FOR FOLLOW UP: They will begin looking at the following insurance issues tomorrow including Item No. 5. They wish to review all of the items prior to sending the information to the Borough Clerk in order to ensure the insurance issues are ironed out, as they seem to have issues with some of them.

- a. SADHU VASWANI CENTER TO HANG BANNERS OPPOSITE THE PNC BANK FOR ANNUAL CARNIVAL to be held on Sunday, 9/14/08 (6. M.L. 6/26/08)

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, JULY 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)
- A. ACTING BOROUGH ADMINISTRATOR (Continued)
- b. INSTALLATION OF SIGN FOR PARKING ONLY ON SUNDAY FROM 9 A.M. TO 3 P.M. ON HARRINGTON AVENUE IN FRONT OF THE NEW LIFE CHURCH OF NEW JERSEY (10. M.L. 7/3/08)
 - c. 13TH ANNUAL BERGEN BIKE TOUR PARTIALLY THROUGH THE BOROUGH to be held 9/28/08 from 7:30 a.m. to 1:00 p.m. (12. M.L. 7/3/08)
- 5) REPORT RE FOLLOW UP OF PERFORMANCE GUARANTY AND INSURANCE REQUIREMENTS FOR CONTRACT WITH 4 CLEAN UP, INC./ \$150,048.00/ FOR WEST STREET IMPROVEMENTS, SECTION 3 (Approved RM 6/25/08/Contracts sent by Boro Attorney 6/26/08)
- 6) REPORT – Mr. DiStefano reported as follows:
- a. He had one item for Closed Session regarding Finance.
- B. BOROUGH CLERK
- 1) STATUS REPORT RE 2008 APPOINTMENTS – These are current.
 - 2) STATUS REPORT RE 2008 OATHS OF OFFICE – These are current.
 - 3) STATUS REPORT RE 2008 LICENSES – Annual licenses are current.
- Regarding liquor licenses, they have an Ad Interim permit that is being issued to Assembly East and 12 out of the 13 liquor licenses will be renewed as of this meeting. The only one that is unable to be renewed is Klip, LLC trading as Assembly East as they are trying to obtain their Tax Clearance Certificate; until such time, they can issue Ad Interim permits until the end of September. She hoped this to be resolved within the next two meetings.
- 4) STATUS REPORT RE 2008 MEETING DATES
 - 5) REPORT RE ELECTIONS
 - a. GENERAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008 – Nothing has been received thus far regarding this.
 - 6) STATUS REPORT RE CODIFICATION – SUPPLEMENT NO. 15 – still waiting for a response from the Planning Board Attorney.
 - 7) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – These are current.
 - 8) REPORT – Mrs. Castano reported as follows:
 - a. A mandatory Department Head meeting was held 7/2/08 regarding the Open Public Records Act. The procedures were reviewed by the Borough Attorney with the Department heads. She prepared a memo deputizing Department heads and sent it to Mr. Rogan for approval. He had informed her he will be reviewing it shortly.
 - b. Regarding the notice from Cablevision, they needed to anticipate when the public hearing was going to be held and there had to be two publications; therefore, she faxed the Notice to the Record for publication on 7/12/08 and 8/16/08 with public hearing scheduled to be held at the Regular Meeting of 8/27/08 at 7:45 p.m. Due to the fact they sent this in June, she preferred to have the hearing in September when people are back from vacation, but that would be too late as it would be out of the 90-day threshold. In response to Mrs. Castano, Mayor Heymann informed that Councilman Barad and his Committee would be working on this.

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4. REPORTS (Continued)
- B. BOROUGH CLERK (Continued)
- c. Ms. Castano submitted the housing accommodations request for the Mayor, Council and Borough Officials for the League Conference. The Mayor and Council have accommodations at the Sheraton Hotel and the Borough Officials have accommodations at Trump Plaza. She will provide a memo to all for responses to be submitted with sufficient time. Ms. Castano reminded that the procedure is they must book the hotel first and make arrangements later as to the dates each will attend the Conference.
- d. The Annual Side Walk Sale will be held 7/24, 25, and 26; this was approved at the Regular Meeting of 6/11/08; she provided the applications to Lisa Smith with a deadline of 7/21/08 with the \$35 fee to enable her office time for processing.
- C. CHIEF OF POLICE
- 1) REPORT – Chief Berrian reported as follows:
- a. The Police Department has been busy with arrest activity. He is pleased with the downward trend with sick time resulting in overtime. He thanked the Mayor and Council for not acting on the Resolution and taking the time to listen to him, have a meeting with himself and the other members of the Department and understanding their needs. Councilman Glidden informed that there was a letter in the packets from David Hoagland from Demarest concerning the death of his father and expressed his appreciation regarding the manner in which it was handled by Officers Don Nicoletti, Kevin Doerr and Jack McTigue.
- D. MAYOR
- 1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS: Mayor Heymann referred to Item Nos. c1 and b9.
- 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)
3. PROJECT GRANT APPLICATION RE BERGEN COUNTY OPEN SPACE TRUST FUND/\$68,100.00 FOR IMPROVEMENTS TO BOROUGH PARKS IN THE MUNICIPALITY OF CLOSTER; CASH-FOR-CASH MATCH– Approved RM 6/25/08 (Requested by Mayor 7/2/08)
- 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)

CLOSTER MAYOR AND COUNCIL
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4. REPORTS (Continued)

D. MAYOR (Continued)

b. GRANTS AWARDED (Continued)

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)
9. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08) – They received the \$6,600.00 for the preliminary

investigation of the Super Value Site. The Borough paid the \$500 fee to provide for the \$6,600 investigation.

c. GRANTS TO BE FILED

1. GRANT APPLICATION IN THE AMOUNT OF APPROXIMATELY \$10,000.00 TO CARRY OUT A PROJECT TO ENHANCE PROGRAMS OF THE CLOSTER RECREATION COMMISSION CHALLENGER PROGRAMS A RECREATION PROGRAM FOR INDIVIDUALS WITH DISABILITIES (R.M. 7/9/08) – Mayor Heymann reported that they received this grant in the amount of \$10,000. The Elks have provided the additional money for this grant.
- 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-AVIS TREE INSPECTIONS (Requested by Mayor 2/8/08 to be placed on Agenda – Discussed at WS 2/13/08)

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, JULY 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR (Continued)

5) REPORT – Mayor Heymann reported as follows:

a. She explained that the process when they wish to change any land use regulation, is that the Planning Board takes the initiative and makes the recommendation to the Mayor and Council. If they are in accord, it is sent to the Ordinance Committee for finalization and then back to the Council for final approval and public hearing. The Planning Board has made a recommendation, which she distributed to the Councilmembers; and if they are in accord with this, it will go to the Ordinance Committee for finalization and then back to this Council for final approval. She noted that if they approve it, they will need a motion when they return to the Regular Meeting.

Councilman Barad asked that it be put into words so the public would know what they are discussing. Mayor Heymann explained as follows: they have a Limiting Schedule, which is part of the Zoning Code; it is a schedule for all the limitations for building any edifice in Closter, meaning how far it has to be from the road, from its neighbors from its backyards and other things. The limiting schedule is divided separately into each one of the zones; in this particular case, as part of the limiting schedule, an Ordinance that claimed anything over 40,000 sq. ft. in the retail district of Closter would have to go to the Zoning Board because that was framed many years ago when 40,000 sq. ft seemed like a large number; and this is no longer applicable to the kinds of enterprises they hope to bring to Closter Plaza. Therefore, they would like to eliminate that amount and send even those larger retail organizations directly to the Planning Board, which is the board that is charged to be sure that everything works together with the Master Plan and what the people of Closter really want. The Planning Board is the planning arm of the Borough and the Zoning Board is primarily a judicial arm; the planning of the Closter Plaza really lies with the Planning Board.

Dr. Barad clarified that this particular Ordinance is a local ordinance and does not affect any State statute; it is just something they did in Closter. Changing or deleting this is more in keeping with the way other municipalities are run; Mr. Rogan added that 40,000 sq. ft was an arbitrary figure at the time that it was put into the ordinance and was not based on a State regulation. Councilman Kashwick questioned if this was set to prevent a rather large store coming into town that they would not necessarily want coming in; he suggested that they could raise the figure to 50,000 sq. ft. and Mayor Heymann noted that the Planning Board could do this. The Zoning Board is not as flexible as the Planning Board; they are mandated to follow the rules that are already set.

Councilman Barad explained that the Planning Board is more flexible and should respond to public sentiment; Mr. Rogan informed that if an applicant is going before the Planning Board, it is a presumed use and they are going in for dimensional reviews. To go before the Zoning Board means they are asking for something that is not allowed and one must justify why they should be given a use variance. Councilwoman Amitai noted that the Zoning Board also has to justify to the Planning Board why they would not be granting permission. Mr. Rogan acknowledged this. Mrs. Amitai expressed her concern that she did not feel they were really ready for this. Mayor Heymann and Dr. Barad informed they had already approved this. Mrs. Amitai explained that they have a subcommittee meeting tomorrow night and they should review some of the wording. Mayor Heymann noted they had already looked at the wording, and Dr. Barad explained the Ordinance Committee would be looking at the wording as well. Mayor Heymann reiterated this should be taken up upon return to the Regular Meeting if they desire.

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5. OLD BUSINESS

No one wished to be heard.

6. NEW BUSINESS

a. KIDDIE SOCCER (Requested by Mayor 7/3/08) – Mayor Heymann informed they had received information regarding a “Kiddie Soccer” requesting use of one of the parks for daytime use. She asked for comments; Councilman Glidden informed that they had a thorough discussion regarding renting parks to the Northern Valley Sports Academy and he noted they all agreed to do so; however, this is new. Mayor Heymann explained this is very different from the initial request and they need to look at it as being very different. In response to Mayor Heymann, Mr. Glidden confirmed he would like them to think about this.

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

No one wished to be heard.

8. OPEN MEETING TO THE PUBLIC

Jesse Rosenblum, 65 Knickerbocker Road, referred to the comments made by Mr. Rogan regarding the removal of 40,000 sq. ft. limit; and expressed his concern that they would be essentially telling developers that Closter is an open city, that it will take any size store. If a developer comes in and meets the conditions, they cannot deny it. Mayor Heymann noted that this is not the only key condition that is being discussed; and while this is a key limit, there are many others that are equally important, including the effect on traffic, parking, a change in use; and the Planning Board can consider any of these. Mr. Rosenblum noted that these are not strong obstacles; Mayor Heymann believed they were and explained this was a matter of opinion.

Mr. Rosenblum explained he had seen a row of shrubs yesterday by what he termed as the “overpriced” generator and now one shrub was taken out. Mayor Heymann informed that it was not taken out, but they rearranged them instead. Mr. Rosenblum questioned what they will do about the drain; Mayor Heymann explained that this would not affect the drain and affirmed the soil could not wash into the drain, requesting confirmation by Mr. DiStefano. Mr. DiStefano explained they had the drain there before; and Mr. Rosenblum noted they did not have shrubbery piled up against it; Mr. DiStefano reminded that, prior to the shrubs, there was dirt against it. Mayor Heymann explained that shrubbery holds soil and any planting contains the soil; there is no pit and the drain is sunk underneath; she asked for clarification by Mr. Dahle who informed that the drain will remain there, but it will be raised up to a different grade and they can actually close that off. In response to Mr. Rosenblum, Mr. Dahle noted that it is okay that the drain will be done after the generator went in.

John Finan, 55 MacArthur Avenue, referred to the intent to go to the Planning Board and asked for clarification on the increase of the amount of the 40,000 sq. ft, which was confirmed.

Jack Kelly, 132 Herbert Avenue, referred the issue regarding two-family housing, as someone stopped him in the street and was very upset about what was going on. Mayor Heymann informed she was on the side of the people who want the two-family housing; they originally passed an ordinance for those people who had houses that were previously established as two-family housing to continue as such. Mr. Rosenblum took this to Court; and the Court vacated that ordinance. Mr. Kelly questioned if they could take this back to Court; and Mayor Heymann confirmed they could do so; and Mr. Rogan had advised that they could fight this if they choose to do so. She noted this would be a wise thing to do and that the Ordinance Committee can take this under its Agenda.

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8. OPEN THE MEETING TO THE PUBLIC (Continued)

Steve Isaacson, 97 Columbus Avenue, commended putting out the estimated tax bills, as he suggested a few meetings ago, although he has not received his as of yet. Councilman Glidden noted that the bank may take care of this. In response to Mr. Isaacson, Mr. Glidden noted he had not received his copy either. He congratulated the Council on the \$250,000 in State aid that was received and questioned how much that would affect the average home in Closter. Mayor Heymann informed that she had explained this earlier on when he was not present and reiterated that they would revise the Budget to include this additional revenue and are going to also include the savings in the beginning half of the year. She thanked the various department heads for being frugal and keeping the expenses down. She noted that by adding these two items, they will be able to lower the total assignment to the taxpayers, but are not sure by how much. Mr. DiStefano added they are trying not to go for the Cap waiver, if possible, since they received that large amount in aid.

Mr. Isaacson, a member of the Environmental Commission, wished to commend the DPW for doing a great job clearing all the trails and building the bridges. They are trying to get the signage together and they will, hopefully, get the other bridge put in soon.

Hugh Johnson, 107 Demarest Avenue, informed he would try to make this as brief as possible. His first issue was regarding the Construction Official and noted that a few weeks ago, he had brought up the fact that a former employee was suing the official. Mr. Johnson voiced his understanding that another Borough employee is also now suing the official. He, a taxpayer, has filed a criminal complaint against the Official for attempt to injure, when he slammed the glass panel separating his office from the lobby with such force that it broke the top side, which could have broken Mr. Johnson's fingers and wrist. Mr. Johnson went there and told him that if he did not stop bullying and harassing people he will be answering to a taxpayer, as he pays his salary and does not like bullies.

Mr. Rogan stopped Mr. Johnson by informing him that there has been no other lawsuit filed by another Borough employee. Mr. Johnson corrected himself, noting that another employee has filed a complaint and not a lawsuit. Mr. Rogan advised that in terms of any dispute that is pending regarding Mr. Johnson and Mr. Sager, it should really be brought out before the Municipal Judge to make a finding one way or the other. He explained that the Mayor and Council can listen to a citizen's complaint about a Borough employee, but they cannot comment on things they have already been told would be pending in a Municipal Court. In response to Mr. Johnson, Mr. Rogan informed that the report Detective Kaine has, to which Mr. Johnson was referring, was a police matter; and a Municipal Judge will hear the case wherever it is assigned. Mr. Johnson noted that this was for information purposes only. Mr. Rogan advised that the Mayor and Council cannot respond to the information, and cautioned that Mr. Sager is a public official but he is not a public person for purposes of defamatory claims. He further added that it is fine to make a complaint as a citizen, but suggested care when mixing what could be evidentiary in a criminal proceeding or civil dispute that may be filed. Mr. Johnson informed that he had seen Mr. Sager harass many people, including taxpayers, contractors and his own employees.

Mr. Johnson informed that the Borough employees at this Borough Hall have the lowest morale possible. He noted that Mayor Heymann's slamming of the door, knowing that he was outside talking to the Deputy Tax Collector, was highly inappropriate, rude and moronic and he did not know why she did this. Mayor Heymann explained that was after 5 o'clock and as a female, she had the right to close the door to anyone at that time. Mr. Johnson stated that he had a witness that would testify that it was 4:40 p.m. and his Rolex watch keeps accurate time. He was attempting to speak with the Deputy Tax Collector and the two employees, who were shocked as well as Mrs. Passafaro, when the bang sounded like a gunshot. He voiced concern at why she would do this; and Mayor Heymann informed that the door does this all of the time.

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8. OPEN THE MEETING TO THE PUBLIC (Continued)

He voiced his opinion that the two most uncommon words in the language are “Thank you” and the three most unused words are “I appreciate you;” and the employees here do not hear that from Mayor Heymann and are so demoralized that one of them even stated that they were so glad to have Mr. Johnson’s presence here because he emits a smile and they do not get smiles or a thank you. To thank the employees, he and his wife are going to have a party at his house. Mayor Heymann noted that this was very nice of him.

Mr. Johnson referred to Acting Administrator, John DiStefano, informing that he spoke to Mr. Johnson, telling him that they needed to have a meeting at an undisclosed location because he needed to tell him things; and on Thursday nothing happened. Mayor Heymann and the Council informed him that his five minutes were up; and Mr. Johnson noted that they still had other problems. Mr. Glidden excused Mr. Johnson, who informed that he will continue this at another meeting.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

10. ADJOURNMENT

Motion to adjourn the Work Session at 8:41 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on July 17, 2008 for approval at
the Regular Meeting to be held
July 23, 2008.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held 7/23/08
Consent Agenda Item No. 20.b.