

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JUNE 25, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, June 25, 2008. Mayor Heymann called the meeting to order at 7:41 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  
Cynthia L. Tutoli (7:39 p.m.), 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

The following persons were absent:

Councilman David Barad

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 pointed out that the Municipal Budget has not yet been completed, adding that they will have the Public Hearing on July 9, 2008 (at 7:30 p.m.) or as soon as they have the appropriate information.

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.

Joe Bianco, 7 McArthur Avenue, stated as follows: contrary to reliable sources, he believes the Mayor is doing an excellent job for the Borough; the direction she has taken the town in the last year and a half has been nothing less than superior; as the President of the Architect Society, he took it upon himself to get a full set of plans of the Borough Hall; these were the renovation plans they had from 1978; they have architectural, electrical, structural, mechanical and plumbing; he turned them over to the Council at this time, noting that these plans would have cost the Borough in excess of \$500.00; through an act of persuasion by the Mayor, he donated the plans to the Borough; referring to plans of the DPW building on Ruckman Road and what he referred to as the Taj Mahal that was going to be built there over 30 years ago; Mayor Emeritus Eliasof signed off on this; he offered his assistance to the Mayor and Council on continuing their efforts of preserving this historical building.

Mayor Heymann assured he was making a major contribution by providing these plans, which they will be using. She explained that she hadn't realized that there were plans for another Borough Hall before now.

Jesse Rosenblum, 65 Knickerbocker Road, referred to the purchase of the emergency generator and asked if Boswell Engineering was involved. In response to Mr. DeNicola, Mr. Rosenblum questioned why they weren't involved. Mr. DiStefano explained that they do not do any kind of electrical engineering. Mr. DeNicola explained that he does not do it personally; the others in his office do it from time to time, but they generally stay away from it. Mr. Rosenblum explained that he reviewed the papers that the Borough had regarding the generator; and he did some research; and it is definite that the Borough was overcharged; on the Borough voucher; the regular form, the

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claimant affirms various statements, including that the amount charged is a reasonable one. However, he voiced his understanding that the amount was not reasonable. He suggested that no further payments be made and that the Borough arbitrate to do whatever it has to do to review all of the papers, including the vendors, and with someone's assistance, prove that they are easily being overcharged by \$30,000.

Mayor Heymann disagreed that Mr. Rosenblum could have compared, as he is not familiar with the interior work that had to be done. However, they will get a complete breakdown of the bill, where he will see that it is reasonable. Mr. Rosenblum reiterated that he has seen documentation of same and insisted that it is not reasonable.

David Baboo, 362 Durie Avenue, questioned if the town had any plans to do anything with regards to the invalidated two-family certificates of occupancy that were issued during the last few years. Mr. Rogan explained that there is no pending, proposed ordinance at this time. There is nothing recommended by the Ordinance Committee or the Council. Mr. Baboo asked what the taxpayers should be doing at this point in time. Mr. Rogan asked for clarification that this was one of the two-family houses and explained that he could not give recommendations to private litigants in terms of potential lawsuits. He informed that the homeowner would have the right to go before the Zoning Board of Adjustment and present a case as to why they should be entitled to the continued use. Part of that could be a detrimental reliance theory that when you purchased the house, it had been recognized by the town as a two-family house. However, this is more for the Zoning Board to consider. A couple of years ago, the Governing Body would introduce an ordinance to provide relief to homeowners who had been taxed as a two-family since 1990. That Ordinance was challenged by a resident and the court ruled that that decision as to whether or not it should be a permitted or continued permitted use lies with the Zoning Board. So, at this point, those types of applications have to be heard by the Zoning Board to see whether or not they would grant a variance to permit continued use of the two-family.

Mr. Baboo explained that there are a few citizens in town that are pretty much in the same category as he is. They were issued a two-family certificate of occupancy and then it was invalidated. During the last Zoning Board of Adjustment meeting he attended, he was told by Michael Kates, the Zoning Board Attorney, that they couldn't perform estoppel or use that as any defense. So they would basically be in the same shoes as somebody who took the one-family and legally converted it to a two-family. Mr. Rogan explained that there was an exception that there was potential proof that the house had existed for a period of time. Homes in Residential B are permitted to be two-family, depending on when that use came into being. The Zoning Board will have a certain criteria that it will review to determine whether or not it should be permitted. He reiterated that this would be a matter for the Zoning Board and not the Mayor and Council. Mr. Baboo asked for clarification that the taxpayers in this particular situation would have to absorb the cost of hiring a lawyer and a planner, which should be about \$15,000. Mr. Rogan pointed out that this is entirely the decision of the applicants, depending on how they would like to present their case. There is no requirement that they have either one at a Zoning Board meeting. It may be prudent, depending on the issues, but that would be up to the individual applicant. Mr. Baboo explained that the Zoning Board made it clear that people in this particular situation will require a lawyer and a planner; and it cannot really be done alone. Mr. Rogan explained that this may be a good recommendation; however, it is not a legal requirement. There is no requirement by State Statute or by Municipal Code that says that you must have one. Mr. Kates may have been strongly suggesting that an applicant have one in their own best interests.

Mr. Baboo explained that back in January or February, it was mentioned that the town was planning on doing something. Mr. Rogan reminded that there was discussion at an Ordinance Committee Meeting, but there was no Ordinance forthcoming from that. Mr. Baboo informed he is trying to figure out what path to take to resolve these issues. Mayor Heymann explained as follows: the Mayor and Council and its parts wanted to help people like him, which is why they passed the original ordinance; every resident of the Borough has the right to appeal any one of their decisions; in this case, the courts are against them; the Borough cannot change the court ruling; they did the best they could to pledge to their residents to live in the homes that they anticipated living in; at this point in time, when they discussed the potential ordinance that he is referring to, it was pointed out to them that it was just as vulnerable as the original one; and it would have gone to court the same way. Mayor Heymann advised that at this point in time, there is very little that the Borough can do to help him. However, if he takes it to the Zoning Board of Adjustment appropriately, he has a good chance of winning his case. She thinks that Michael Kates may have been a little bit pessimistic, as he didn't want to lead anyone on in any way. Mr. Baboo explained that he has personally tried this and has encountered much resistance; especially when Michael Kates presents case law. This is something that a normal citizen cannot argue. He is not a trained lawyer and it would take him a great deal of time to become trained in case law. Therefore, he has no choice; and he doesn't see the other residents having a choice either, except to hire a lawyer and a planner to defend the situation. He thanked them for their time.

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Mrs. Amitai asked if there was any way their Master Planner could guide them, in situations like these, to find out what other towns have done. Mayor Heymann was not sure that anyone else had anything like this. Mr. Rogan explained that there are other options that could be discussed, noting that input from the Planning Board might be helpful, in terms of a recommendation. Something from the Ordinance Committee could be examined in more detail, but as of right now, that hasn't happened. Mayor Heymann explained that if it were to happen - even under the best of circumstances – any ordinance that is discussed, as it would be at the Planning Board level, would take four months to be passed. There is a time frame that he can surmount if he goes directly to the Zoning Board. Mr. Baboo informed of another citizen in town; a senior citizen as well as a Veteran, who has been waiting for an ordinance to be passed. The town has not been clear to him as to what he should do. After attending the last Zoning Board Meeting, Mr. Baboo explained to this resident that he doesn't think that there will be an ordinance. He now wishes to clear the air in terms of what these citizens must do. Mayor Heymann pointed out that this was a reasonable request, noting that she appreciated his honesty. She knows of whom he is speaking; and she agreed that he has an issue.

Hugh Johnson, 107 Demarest Avenue, explained he needed to make a statement and ask a question. He applauded the various departments, without name, for their service within the past several weeks with regard to the cleanup of this town and the actions they have taken during the storms that they have had to endure. They are to be commended and applauded. He also referred to a situation within the town, of which he has become aware, within the Construction Code Official's Office. He voiced his understanding that there is pending action and there was a year or two ago regarding an individual, of which they are aware, whom is in this room. He has been confided by a Borough employee that she is going to take action against Mr. Keith Sager, of which he has personally witnessed his eruption, his rudeness, his lack of decency and his temperament. He has experienced this behavior, of which he reacted not defensively, but offensively. As a taxpayer, he is paying his salary and he will not take that. That is above and beyond reasonable. The individual who is taking action has asked Mr. Johnson to testify on her behalf, which he will do. He voiced his understanding that the Mayor and Council would go into Closed Session pertaining to this matter. He pointed out that he discussed this with the Mayor on Monday, who informed him that she was aware of the situation and assured that action would be taken. He will leave it at that; he will assume that they will take the appropriate action.

Mr. Johnson pointed out that the Borough Hall has been beautified within the past two years. He spoke to the Mayor via telephone and in person, as well as speaking to Mr. DiStefano in person on Monday. He referred to both of them, acquiesced to the statement that you made that a small "stipend" was made in 2007 to start the beautification process. In a conversation with Mr. DiStefano, he pointed out that the amount was \$10,000.00. Mr. DiStefano corrected him, noting that this was approximate. He asked Mayor Heymann on Monday afternoon if she agreed with that, which she did. He also informed of what he thought was a confidential conversation with the Acting Borough Administrator, but it turned out that the Mayor knew about it anyway; so much for confidentiality. He asked her how much the 2008 Budget was going to be for the beautification. He agreed that it looks outstanding and he mentioned to her that she was trying to make the Borough of Closter as beautiful as possible, similar to other towns. However, she disagreed and noted that she wanted to make it similar to Closter. He explained that Mayor Heymann had informed him that no monies had been allocated or spent for 2008 and that Susan Boudet, in essence, was doing this at her own expense. He finds this inconceivable. It has come to his attention that she uses a particular method, where she removes plants from other residential landscapes and plants them here. He had his landscaping done five years ago on  $\frac{3}{4}$  of an acre, which was \$55,000, without pavers. He finds it very hard to believe that Susan Boudet - unless she is extremely wealthy – is absorbing this cost. He is now asking before the public and the press, as what he referred to as a bunderun printout, what money has been spent. He cannot conceive that she is accepting this cost. Mayor Heymann assured they will prove it to him.

Mr. Johnson referred to the concerns of overtime and explained that as a taxpayer, he is then also concerned with what the taxpayer is paying for this beautification. He would like to ask her, on the public record, to comment on this. Mayor Heymann explained as follows: she will be happy to provide him with that vendor printout that he is asking for; they are very grateful to Susan Boudet, because she is giving of herself and they are not adding up the costs because she is not billing them, because she loves Closter; there is no quid pro quo. Mr. Johnson asked how she is managing to budget this; and Mayor Heymann explained that they have had other landscapers and individuals making much larger contributions to the Borough without a quid pro quo. They had one landscaper do the entire field at Mollicone Park. Mr. Johnson pointed out that this was done in honor of a Vietnam Veteran, who was killed. Mayor Heymann informed that the five-minute time limit was up.

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6. COMMUNICATIONS

a. MAIL LIST – JUNE 12, 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 Nos. 9 and 11; Douglas Radick asked that Item No. 7 be removed.

Item No. 9 - Received 06/10/08, dated June 2008, from Angelo M. Valente, Executive Director, Partnership For a Drug-Free New Jersey; to Mayor, re New Jersey youth prescription medicine drug-use; request for cooperation in placing the "Grandma's Stash" web banners on the Borough Website (Copy to Kevin Whitney); Kevin Whitney/Website

Mayor Heymann explained that they will try to accommodate them with Kevin Whitney, who is in charge of the Website.

Item No. 11 - Received 06/12/08, dated 06/10/08, from Frances Mendez Pappas, 3 Venus Drive, c: Lenny Sinowitz, Keith Sager, Ray Cywinski, regarding Concerns re 456 Ruckman Road, Block 2009, Lot 2 (Copy to Planning Board, Lou Apa); Amitai/Planning Board; Construction; Barad/Bd of Health

Mayor Heymann pointed out that Mrs. Pappas is concerned about two buildings that are going up on her block and the fact that she is concerned about water problems in her basement. She wished to explain to all that in previous years, when their Zoning Ordinances were not as tight as they are now, they did run against water table problems. The current Zoning Ordinances will severely restrict the amount of building that can take place on any particular lot, and which mandate such things as seepage pits. This particular house has five seepage pits planned for it; should actually improve the situation and not exacerbate it. She hoped that all would reinforce the idea that this Mayor and Council and the one immediately previous to it, have been working very hard to improve the water situations in Closter.

Item No. 7 - Received 06/10/08, dated 06/09/08, from Douglas Radick, Chairman, Closter Historic Preservation Commission; to Mayor Heymann, Mr. DiStefano and Councilmembers, re recent changes to the grounds at Borough Hall (Copy to Planning Board, Zoning Board of Adjustment, Improvement Commission)

Douglas Radick, 243 West Street, explained that he did not have a copy of the letter he sent and informed that the Historic Preservation Commission was concerned by the sudden appearance of landscaping, without any kind of prior notification. He is not a landscape architect; he is an Architect and he felt that it wasn't really in accordance with the design of the existing building. He applauded the efforts to preserve this building, noting that it is a very worthy building and there is nothing wrong with it. They can reconfigure space and add on to it, but there is really no reason to move off-site at all. He applauded the efforts to keep it here. He feels that if there is landscape architecture, then a landscape architect should review it prior to installation. It is civic work; it is not somebody's personal opinion or pallet to play with. It should be presented to an educated professional in that particular field to review it for appropriateness. This is all he is asking; there should be a process of review and improvements, prior to the execution of the project. He referred to the tower at the back of the building, which was built some time ago, and informed that some kind of clarity and openness should have been available both then and now when things are proposed.

b. MAIL LIST – JUNE 19, 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.

No one wished to be heard.

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

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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

8c.\* INTRODUCTION OF ORDINANCE NO. 2008:1014, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171, STREETS AND SIDEWALKS, SPECIFICALLY ARTICLE VI, STREET EXCAVATIONS” – PUBLIC HEARING 7/23/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 6/12/08)

9.\* BILL RESOLUTION – JUNE 30, 2008  
TO BE PREPARED BY TREASURER

~~10.\*~~ 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 and RM 6/11/08

Mayor Heymann pulled this, noting that they do not have the information ready.

~~11.\*~~ 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 and RM 6/11/08  
TO BE PREPARED BY BOROUGH ATTORNEY

Borough Engineer explained that they will not approve this until they change the fee structure; the status of this item is pending Mr. DeNicola’s approval. Mayor Heymann pulled this item, adding that they are not yet ready for this.

~~12.\*~~ 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

At this time, Mayor Heymann explained that this Item will be tabled until the next meeting, as they are not ready with all of the information for this.

13.\* RESOLUTION NO. 2 RE 2008-2009 LIQUOR LICENSE RENEWALS  
TO BE PREPARED BY BOROUGH CLERK

14.\* RESOLUTION AUTHORIZING THE TAX COLLECTOR TO TRANSFER 2<sup>ND</sup> QUARTER 2007 PRELIMINARY TAX IN THE AMOUNT OF \$2,867.50 AND WAIVE INTEREST CHARGES (DUE TO ASSESSMENT ERROR ON BLOCK 1005 LOT 16, 85 EVERETT STREET) TO BLOCK 1005, LOT 15, ASSESSED TO RINGELSTEIN, JAY LAURA LOCATED AT 79 EVERETT STREET (Received from Acting Administrator/Treasurer 6/19/08)

~~15.\*~~ RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER DE-ICING MATERIAL FACILITY TO BE UTILIZED BY THE BOROUGH OF NORTHVALE IN ORDER TO MEET THE NJDEP TIER A PERMIT REQUIREMENTS (Received from Acting Administrator/Treasurer 6/19/08)

16.\* RESOLUTION APPOINTING MARK D. ANTONUCCI AS CODE ENFORCEMENT OFFICER FOR THE BOROUGH OF CLOSTER AT A RATE OF \$20.23 PER HOUR FOR A MAXIMUM OF 20 HOURS PER WEEK (Received from Acting Administrator/Treasurer 6/19/08)

~~17.\*~~ RESOLUTION AUTHORIZING BOSWELL MC CLAVE ENGINEERING TO PERFORM THE SCOPE OF SERVICES LISTED IN THEIR PROPOSAL DATED 6/2/08 RE WESTMINSTER AVENUE TOPOGRAPHIC SURVEY FOR A FEE NOT TO EXCEED \$3,600.00 (Received from Acting Administrator/Treasurer 6/19/08)

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8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

ORDINANCES AND RESOLUTIONS (Continued)

- 18.\* RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF BERGEN TO UTILIZE AN AUTOMATED TELEPHONE ALERTING SYSTEM SERVICE AT ANY TIME DURING THE COUNTY’S CONTRACT PERIOD WITH SERICE PROVIDER (3/1/08 THROUGH 2/28/09) WITH AN OPTION FOR AN ADDITIONAL YEAR; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT IN A FORM TO BE APPROVED BY THE MUNICIPAL ATTORNEY (Received from Acting Administrator/Treasurer 6/19/08)
- 19.\* RESOLUTION APPOINTING CYNTHIA MEYER AS DEPUTY BOROUGH CLERK AT AN ANNUAL SALARY OF \$40,425.98, COMMENCING JUNE 1, 2008 (Received from Acting Administrator/Treasurer 6/19/08)
- 20.\* ~~POSSIBLE~~ RESOLUTION ACCEPTING BID FROM 4 CLEAN UP, INC., P.O. BOX 5098, NORTH BERGEN, NJ 07047 IN THE AMOUNT OF \$150,048.00 Total Base Bid (plus Alternate Bids B&C) RECEIVED AT THE BID OPENING HELD 6/19/08 @ 11:30 A.M. FOR WEST STREET IMPROVEMENTS, SECTION 3 (Requested by Borough Attorney 6/19/08) TO BE PREPARED BY BOROUGH ATTORNEY
- 21.\* RESOLUTION CONFIRMING ENDORSEMENT BY THE GOVERNING BODY OF THE FOLLOWING PROJECT APPLICATION: BERGEN COUNTY OPEN SPACE TRUST FUND IN THE AMOUNT OF \$68,100.00 FOR IMPROVEMENTS TO BOROUGH PARKS IN THE MUNICIPALITY OF CLOSTER; DOLLAR-FOR-DOLLAR CASH MATCH (Received from Mayor Heymann 6/18/08)
- 22.\* RESOLUTION OPPOSING S-1137, WHICH EXPANDS THE SCOPE OF NEGOTIATIONS (Received from Mayor Heymann 6/17/08)
- 23.\* ~~POSSIBLE~~ RESOLUTION APPOINTING \_\_\_\_\_ TO SERVE AS FULL-TIME DESK DISPATCHER FOR AN UNEXPIRED 1-YEAR TERM (VARNI) TO 12/31/08 – TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER

At this time, Mr. DiStefano informed that this item would be pulled, as it is not available at this time.

- 23a.\* RESOLUTION OPPOSING PROPOSED ASSEMBLY BILL A2867 (AND IDENTICAL SENATE BILL S1919) KNOWN AS THE “PERMIT EXTENSION ACT OF 2008.” (Received from Mayor 6/20/08 @ 11:00 a.m.)

MOTIONS

- 24.\* 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

<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

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8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

MOTIONS (Continued)

- 25.\* 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)

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

Referring to Item Nos. 24 and 25, Mayor Heymann informed there was nothing new.

- 26.\* MOTION APPOINTING DAVID BARAD AS CHAIRPERSON OF THE AD HOC CABLE COMMITTEE (Requested by Mayor Heymann 6/18/08)
- 27.\* MOTION APPROVING THE FOLLOWING MINUTES (Distributed 5/19/08) ABSTENTIONS:  
a. REGULAR MEETING HELD JUNE 11, 2008  
b. WORK SESSION HELD JUNE 11, 2008
- 28.\* MOTION GRANTING APPROVAL FOR WAIVER OF BOROUGH CODE CH. 71, “ANIMALS”, ARTICLE III, “FEEDING OF WATERFOWL”, SECTION 33, “PROHIBITION OF FEEDING” TO TEMPLE EMANU-EL, TO FACILITATE THE OBSERVANCE OF TASHLICH, TO BE HELD AT THE CLOSTER NATURE CENTER, ON TUESDAY, 9/30/08, @6:30 P.M. (4. M.L. 6/19/08)
- 29.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:  
a. CHIEF OF POLICE – MAY 2008

The following items were removed by the following individuals: Mayor Heymann previously removed Item Nos. 10, 11, 12, 24 and 25; Mr. DiStefano previously removed Item No. 23; Mr. Kashwick asked that Item No. 23a. be removed; Jesse Rosenblum asked that Item No. 17 be removed; Mr. Glidden asked that Item No. 15 be removed.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 10, 11, 12, 15, 17, 23, 23a., 24 and 25 was made by Councilman Glidden, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

30. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

15. RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER DE-ICING MATERIAL FACILITY TO BE UTILIZED BY THE BOROUGH OF NORTHVALE IN ORDER TO MEET THE NJDEP TIER PERMIT REQUIREMENTS (Received from Acting Administrator/Treasurer 6/19/08)

Mr. Glidden asked what he termed as the “deal” was with Northvale, asking if they paid the Borough for the use of the facility. Mr. DiStefano explained that Closter stores all of the salt in one place and Northvale comes to get it. Closter gets it all from the County. Northvale doesn’t have a storage facility for it, but it is their salt.

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

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17. RESOLUTION AUTHORIZING BOSWELL MC CLAVE ENGINEERING TO PERFORM THE SCOPE OF SERVICES LISTED IN THEIR PROPOSAL DATED 6/2/08 RE WESTMINSTER AVENUE TOPOGRAPHIC SURVEY FOR A FEE NOT TO EXCEED \$3,600.00 (Received from Acting Administrator/Treasurer 6/19/08)

Jesse Rosenblum, 65 Knickerbocker Road, asked for clarification regarding this item. Borough Engineer explained as follows: the Borough asked Boswell to prepare a survey for the purposes of a Court hearing to demonstrate where the Borough boundary line is for Westminster; it involves the preparation of a topographic survey of the field and then documenting it out on paper; he agreed that this was in addition to the survey he did approximately two to three years ago, which demonstrated property corners to show the Mayor and Council where the actual line was; now they must do a topographic survey to show what is where. Mr. Rosenblum asked if the Mayor and Council considered this to be necessary when they know they have property at that location. Mayor Heymann pointed out that this was exactly why; they know they have property; and in order to re-claim that property, they need the exact dimensions on paper.

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

At this time, Chief Berrian referred to Item No. 12 and asked if any discussion would be held pertaining to this item. Mayor Heymann informed that no discussion would take place and it would be postponed, as they do not have enough information. They will ask him for the information after the meeting. Mr. Glidden assured he would be in touch with Chief Berrian regarding this information. Mr. Rogan assured it would be listed on the Regular Meeting Agenda of 7/9/08 for formal action. Chief Berrian informed that he had some information, which he wished to share with the Mayor and Council at this time.

Chief Berrian explained that at the meeting held two weeks ago, he tried desperately to convince the Mayor and Council not to impose any restriction on overtime as it was spelled out in the prepared Resolution. He was instructed to come forward with a Resolution, which he did. It had several points in it, which he thought was a fair resolution, noting that it put the onus on the Department Heads to justify whatever needed to be done. He wished to review other information as to why he is taking the position that he is. The largest segment of overtime has always been illness overtime, which is being addressed. They haven't had a shift requiring overtime, due to illness, in almost one month, which he is pleased with. He also referred to vacation coverage; and explained that there are 495 vacation days for the Police Department, contractually. If you take out 75 of those days; 25 for himself, 25 for Sergeant Ikalowych and 25 for Sergeant Kaine; because their schedules don't affect the uniform patrol; that's 420 uniform shifts that must be covered. Of the 420 shifts that had to be covered in 2007, only 36 required overtime, because of the schedule that has been in place for years. He thinks covering only 36 out of 420 shifts is a tribute to scheduling in the Police Department and also the use of drop shifts. The drop shifts help the department and they help the individual. This weekend alone, there were six incidents of arrests, one of them; he will not go into, as it is still under investigation. Of those six, seven of them resulted in arrests. That is again a tribute to the work that is going on outside with the Department.

Referring to the concern of overtime costs, Chief Berrian explained that in the year 2007, Court fees amounted to \$94,445, discovery and alarms amounted to \$44,572 and the 15% administrative fee on outside employment was \$11,453, amounting to a total of \$150,470. On top of that, they had Grants for Drunk Driving Enforcement, Special Traffic Enforcement, Body Armor and even recycling telephones, which altogether amounted to another \$13,338. In 2007, the Police Department brought in a total of \$163,808 and the 2007 overtime costs were \$133,755. Although the Police Department is not in the business of making money, they do generate money and fees; and the Borough realized over \$30,000 in 2007 alone, which is not counting money that is in the Prosecutor's Office Confiscated Funds Account, which is in excess of \$50,000. Plus, in the year 2003, he secured a \$150,000 Federal Grant for hiring Police Officers, which they have expended by now; but it was monies that he was sure not all were aware of. He was also asked to give a count of the number of times that Closter has assisted other Departments. For the year 2007, there were 173 assists by Closter to other Departments; for the first five months of 2008, 69 requests for assistance by Closter Officers to other Departments. So, it is reciprocal. He also had the entire work chart for the year 2007, which is the final weekly work chart, noting that Sergeant Winters had done a great job of color-coding everything. The instances of overtime are phenomenal when it comes to vacations, training, fire arms training, Police Academy training, etc. He hoped they would be able to secure a resolution that they could all live with, without jeopardizing Public Safety or Police Officer's safety. However, he thinks it is important for them to be aware of the money coming in and going out. He assured it is decreasing.

Mayor Heymann explained that they are tabling this because they need to study it further and

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

obtain more information from him. She doesn't think it is fair to anyone to have to listen to the details. However, she wished to call to his attention that the figures which he quoted as being revenue to the Borough, unless he has already "netted" them out, they don't get all of the court fees; they only receive a small portion. She stated that he has explained to her many times that the cost of providing Police services for outside use was probably a negative item and not a positive item for the Budget. It costs them more in terms of the salaries and the benefits the men get when they do outside service than the fee that they impose on the utility that needs the service. Chief Berrian pointed out that it is monies that are coming in and it is for a service that is provided. He also informed that the figure he provided pertaining to Municipal Court fees was netted out; and the Borough does receive the money he reported on.

At this time, Mr. Glidden thanked the Chief for his report and noted that their discussions were also in part for postponing the resolution. He is concerned about Public Safety and any restrictions on overtime more than anything else. He wants to be comfortable with the answer to that question before they pass the resolution. He is calling a Public Safety Committee Meeting sometime next week and he invited the members of the Police Department, who were in the audience.

- 23a. RESOLUTION OPPOSING PROPOSED ASSEMBLY BILL A2867 (AND IDENTICAL SENATE BILL S1919) KNOWN AS THE "PERMIT EXTENSION ACT OF 2008." (Received from Mayor 6/20/08 @ 11:00 a.m.)

Mr. Kashwick explained the Assembly passed this; and Mayor Heymann explained she was going to pull this item anyway. She informed that although she put a lot of pressure on Ms. Castano to get this through quickly, they got ahead of them. The Assembly passed this, as did the Senate before that, on Monday. That means that essentially, for those of you who care about those things, that builders and developers will have six years. Mr. Kashwick pointed out that it was amended; and Mayor Heymann clarified that it was four. Mayor Heymann explained that it could be spread out to six very easily. They have that long a period of time after they take out a permit, to complete the building or development. That means that a neighboring home will have construction near it for a minimum of four, and possibly six years. If the developer so chooses, it means that the Borough will have the unsightliness of ongoing construction and it also means, essentially, that builders will be able to build according to the relatively lesser rules that are in effect now, as opposed to tightening of building regulations because of trying to save the climate or water resources; and they will not be affected by rules for an ongoing six years.

Mr. Kashwick explained he would still be willing to introduce this as a Resolution to the Governor, asking him to veto this. Mayor Heymann asked for clarification that Mr. Kashwick would like to send it to the Governor and he agreed. Mr. Kashwick referred to Item No. 2 in the Resolution and offered the following amendment: "The Closter Mayor and Council urges Governor Corzine to veto the Permit Extension Act of 2008."

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

At this time, Mr. Glidden informed his son reminded him that the Borough should be commended for printing on both sides of the paper.

Mayor Heymann pointed out that Mr. Glidden's son, Johnny, received an award from the Governor of the State very recently for his environmental efforts, for which she congratulated him.

Motion to recess the Regular Meeting at 8:29 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

Mayor Heymann resumed the Regular Meeting at 8:55 p.m. and asked for a motion approving the following Resolution:

- 30a. 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"; N.J.S.A. 10:4-12(b)(4), "A collective bargaining agreement"; N.J.S.A. 10:4-12(b)(7), "Pending or anticipated litigation or contract negotiations;" and that the item(s) under discussion in the closed meeting will be disclosed to the public at the conclusion of the matters which should be within 20 weeks.

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

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

Mayor Heymann resumed the Regular Meeting at 9:20 p.m.

At this time, Mayor Heymann informed she had received a letter from Joe Pennachio, asking the governing body to take a position on a matter, which she believed to be political; therefore, she is letting them know about it.

Borough Engineer asked for governing body approval to combine the excess monies from the (2007 Curb and) Sidewalk (Repair) Program and (2007) Road (Improvement) Program to continue paving east of Ruckman Road starting at Oakland Avenue.

30b. Motion was made by Councilman Hennessey, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

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

a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

No one wished to be heard.

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

No one wished to be heard.

33. ADJOURN

Motion to adjourn the Regular Meeting at 9:22 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on July 3, 2008 for approval at the  
Regular Meeting to be held  
July 9, 2008.

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Loretta Castano, RMC  
Borough Clerk

Prepared by Cynthia L. Meyer  
utilizing recording and Borough  
Clerk's notes

Approved at the Regular Meeting held 07/09/08  
Consent Agenda Item No. 23a.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – JUNE 25, 2008 - 7:30 P.M.

Mayor Heymann called the Work Session to order at 8:35 p.m.

1. ROLL CALL

The following persons were present:

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

The following persons were absent:

Councilman David Barad

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. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN (Meeting held last week in May).
- 2) STATUS REPORT RE TRANSPORTATION (Northern Valley Transportation Group Meeting held 10/25/07/possible meeting early February)
- 3) STATUS REPORT RE CLOSTER WEBSITE
- 4) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07
- 5) REPORT – Councilman Kashwick reported as follows:
  - a. The Finance Committee has scheduled meetings to be held 7/7/08 with the Recreation Commission, Nature Center, Historic Preservation Commission and the Environmental Commission to review allocations for the 2007 Open Space Trust Fund.
  - b. Councilman Kashwick informed that the Capital Budget would likely be introduced at the Regular Meeting of 7/9/08. The Mayor already mentioned the operating budget, as they are still waiting to hear from the State regarding extraordinary aid.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

A. FINANCE AND TECHNOLOGY- KASHWICK (GLIDDEN/TUTOLI) (Continued)

- c. Regarding tax sales, Mr. Kashwick asked Mr. DiStefano to elaborate. Mr. DiStefano informed that the Tax Sale was held 6/19/08 for 9 properties and distributed information regarding same. He referred to the Bond Anticipation Notes, which were reported on at the Regular Meeting of 6/11/08 and distributed information regarding same. He informed that the estimated tax bills will be sent out within the next two weeks with a message from the Mayor. They will put a notice on the Borough Website informing the public ahead of time; he reminded this is an estimated tax bill and changes will be adjusted accordingly for the November bill.
- d. Referring to Transportation, there is a meeting being held in Englewood on 6/30/08 regarding the passenger rail service on the Northern Branch, which he will attend.
- e. Regarding the Environmental Commission, the three bridges on the trail are currently in, but they are still waiting for the larger bridge to come in, which should happen later in the summer. He has walked the trail, which is in very good condition; however, there are a few areas by Brook Street that still need to be cleared. The Commission is working on the signage so people know where they are going on the trail. They are planning a Fall Festival event to be held 10/18/08 at the MacBain Farm and there will be information in the future.
- f. The Newsletter for the Historic Preservation Commission came out within the last month and gave a great deal of information. The cemetery cleanup is complete. The Commission is looking to have an historic tour of the cemetery also to be held on 10/18/08. He expressed his satisfaction that the two Commissions were working closely together.
- g. Regarding the Shade Tree Commission, Mr. Kashwick informed that the tree plantings will be postponed until the Fall, as damage to a number of trees from the recent storms have opened up a number of tree plantings. There will also be a number of removals.

Borough Engineer referred to two pear trees at Ruckman that were going to be planted in season, which is conducive to the planting of this type of tree. He questioned if this could be addressed noting that the Borough said they would do this at a later date. He added that one tree died along Piermont Road, which is not in this program; and there's one more in the project which has to be replaced. Mayor Heymann confirmed that the reason they were planting the two pear trees was because they are in an alley of pear trees and other trees would be out of place. Councilwoman Amitai noted that those would not survive very long, to which Mayor Heymann noted they would all die at the same time and could all be replaced accordingly.

B. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI)

- 1) REPORT – Councilman Glidden reported as follows:
  - a. A Public Safety Committee meeting will be held on 7/3/08; and he will send an e-mail reminder regarding same.
  - b. He informed he attended the first Band Shell Concert for Recreation last Thursday evening and it was very well done; he urged all to take part.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

- 1) REPORT – Councilman Hennessey informed there was no DPW Committee meeting held in June; therefore, he had nothing to report.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

- 1) REPORT RE ORDINANCE COMMITTEE MEETING HELD 6/9/08 VIA CONFERENCE CALL
- 2) REPORT – Due to Councilman Barad's absence, Mayor Heymann informed that there was no urgent report for the Ordinance Committee; and there will be another meeting with more information to follow. She also noted there was a new Ordinance in the packet this week.

E. HUMAN RESOURCES - TUTOLI (KASHWICK(/BARAD)

- 1) REPORT RE PERSONNEL COMMITTEE MEETING HELD 5/29/08 – Councilwoman Tutoli informed that they discussed the Personnel Manual, which was done so collectively and individually, reviewing and making notations. They are now in the process of compiling those changes to have an improved Personnel Manual.
- 2) REPORT – Councilwoman Tutoli reported as follows:
  - a. In reference to the Fire Department, she informed they were doing well and looking into how they would do a fundraiser: door to door or a mailing.

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

- 1) REPORT – Councilwoman Amitai reported as follows:
  - a. The Closter Improvement Commission is working on next year's Arts Festival, which they hope to have in May; and they will talk more about this in the future. She explained as follows: they are having their first meeting within the month with the same chairs to see which direction to go in next year; and they have also expressed an interest in sharing the planning with whatever happens with the Whole Foods area, i.e. inside the store and or any changes to be made; they would like to be included in the planning.
  - b. Mrs. Amitai informed as follows: regarding the Website, she spoke to Kevin Whitney today and the CIC page will be updated shortly once he gets his act together as he has been on vacation; they talked about the fact that the CIC started an independent website for the Arts Festival. The person who was nice enough to create the website made additional pages with contact information and it turned out very nice. However, Councilwoman Amitai expressed her recent concern that it may be wrong that any civic body, organization, commission or committee have its own website; they could instead have a page with specific events coming up. She asked for input regarding curtailing independent websites, as the Improvement Commission is not the only one that has its own; she believed it would be better to have one focus and one website with individual pages.

In response to Councilwoman Amitai, Councilman Kashwick agreed, and explained that in the beginning, it was easier to do links, as the material already existed for other websites. Technically, everything should be under the Borough's control with one administrator who can make a change very quickly without having to go to someone else who has access to the other sites. Mayor Heymann noted that in the rush of setting up the Borough's website, a lot was put aside due to the pressure; and Mrs. Amitai's notion is an accurate one. At this time, more than a link can actually be incorporated. Councilwoman Amitai questioned as to how they would go

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

F. LAND USE AND CONSTRUCTION (Continued)

about doing this. Mr. DiStefano informed that Councilman Kashwick was the liaison to the Website, but they could discuss this; Mayor Heymann informed they would get the message out to everyone; and if anyone knew a local website that is not incorporated into the Borough website, to let them know.

In response to Mrs. Amitai, Mayor Heymann did not agree that Kevin Whitney would know all of these types of sites. Councilwoman Amitai added that she knew of only two and that it was very confusing for the residents. Mayor Heymann concurred and thanked her for bringing up this matter.

c. Mrs. Amitai informed of an article about the Borough in The Record and she had a photocopy so she could make copies and distribute.

d. The Improvement Commission made Welcome Packets and the Cub Scouts will be bringing them to the newcomers in the neighborhood.

e. The Planning Board Subcommittee will be meeting 7/10/08.

f. The Building Department is inundated with complaints as there are homes that are unoccupied where grass is overgrowing and residents are complaining. She hoped with the appointment this evening of a new Code Enforcement Officer, they would be able to remedy this.

g. The Improvement Commission has informed that the town will require some new planters, as some are in disrepair. They are thinking about what to do in order to move forward: to decide if they should replace them with another kind of planter and how to pay for the expense. They also recommended receptacles to the DPW in order to replace the trash receptacles on Main Street; she hoped that Billy Dahle, Acting Superintendent of Public Works, would be able to purchase these.

h. Keith Sager has asked for the Planning Board to submit site plans with a rubber stamp so he is aware of which plans he needs to review. In response to Mrs. Amitai, Mr. DeNicola noted the stamp needed to be reordered, as the size is too small. Mrs. Amitai requested that they go out and purchase a stamp so the office could have one soon.

i. Mrs. Amitai questioned about the needed space for the Christmas decorations, as they will need to deal with this soon. Mayor Heymann expressed her understanding and informed she had spoken to Billy Dahle.

4. OLD BUSINESS

Regarding the Road Paving (2007 Road Improvement Program) Program, Mr. DeNicola reported that the tennis courts are getting the acrylic today and should be open around 7/2/08. The 2007 Sidewalk Repair Program is also coming to a close; and some retaining walls need to be completed, with approximately \$10,000 to \$15,000 left in the contract. He discussed with Mayor Heymann and Mr. DiStefano the possibility of extending the Paving Program on Ruckman Road from Oakland going towards Piermont Road and ending somewhere around the Fire Department. They could take the money from the Sidewalk Program and put it into the Paving Program in order to further that paving as much as possible; they could go to the Fire House driveway or past the DPW.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

4. OLD BUSINESS (Continued)

In response to Councilman Kashwick, Mr. DeNicola explained that the sidewalk money was from residents initially, but all that had been spent; and the Borough is putting their money into it; therefore, they could spend this money on another project. Councilman Glidden concurred that there was no problem with this and suggested there be a ceremonial game at the opening of the courts. Mayor Heymann informed she had passed the tennis courts, which are beautifully renovated; and the money spent on them was worthwhile spending, as they are very professional and beautiful. She agreed it would be nice if some Council members would arrange a match to start the unveiling of the courts.

5. NEW BUSINESS

a. QUIET ZONES (Requested by Mayor Heymann 6/19/08) – Mayor Heymann referred to a 3-mail item in the packets (dated 6/2/08) she received from an organization in Texas (Railroad Controls Ltd.) that makes recommendations for improvements to railroad sound systems. Councilman Kashwick confirmed he was at the meetings in Harrington Park that discussed this information. This company came back with the recommendations that she was referring to in the packets. In order to evaluate the possibility of changing the original recommendation, which was for the road signals, this would be a change in the road (a raised median) rather than the sound system. They estimate the evaluation cost to be \$7,500, which they would share with the neighboring communities, as this means nothing unless they have 3-5 towns in agreement. Prior to her asking other communities to participate, as they have done with Closter in the past, she wished to hear any comments from the Council to determine if it was worth spending any kind of money to do an evaluation to make it possible to have a change in the ongoing roads that go through the crossing and build a barrier through curbs in the middle of the road so the cars cannot move from one lane to another under the closing bridge. If this is possible, it would be a cheaper and a safe way.

Councilman Hennessey noted that this was only going to make the crossing safer. Mayor Heymann explained as follows: the federal government has indicated that if the crossings are safe and their original intention was to have double gates, then they mandate CSX and any other railroads not to use the horn at that time because the crossing is safe; if the crossing is safe, they avoid the noise. In response to Mr. DeNicola, Mayor Heymann noted that in accordance with this report, it has been authorized by the federal government. Mr. DeNicola expressed his concern that a barrier is dangerous. He voiced his opinion that it would be replacing a problem with another problem. She questioned if the Council wished to table this discussion; and in response to Councilwoman Amitai, Mayor Heymann explained that the double gate is extremely expensive; cars cannot go around, as there will be a curb in the middle of the road. After some discussion, it was decided that this be tabled for the next meeting; and Mayor Heymann confirmed with Mr. DeNicola that this item would be placed on his Work Session Agenda for report at the next meeting.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, JUNE 25, 2008 – 7:30 P.M.

5. NEW BUSINESS (Continued)

At this time, Mayor Heymann referred to discussions about the assessment for John J. Demarest and the dissatisfaction with the proposed settlement, which she discussed with the Assessor. She explained that Mrs. Mattiace had a lot of answers and would like to come to address this issue with the Council and bring Louis Izenberg, her specialist. Mayor Heymann asked for permission to schedule a meeting. Councilman Glidden asked if Mr. Izenberg was on a retainer for the Borough; Borough Attorney explained that he is usually paid by the hour, but would come to speak with the Council this one time. Mayor Heymann concurred that Mrs. Mattiace would see if Mr. Izenberg would come at no cost. Borough Attorney explained that Mr. Izenberg typically charges by the hour to go to Court or prepare to go to Court. In response to Councilman Glidden, Mr. Rogan confirmed that Mr. Izenberg represents the Borough in tax appeals as our Appraiser.

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

No one wished to be heard.

7. OPEN MEETING TO THE PUBLIC

No one wished to be heard.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

9. ADJOURNMENT

Motion to adjourn the Work Session at 9:00 p.m. was made by Councilman Glidden, seconded by Councilman Hennessey and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
On July 3, 2008 for approval at  
the Regular Meeting to be held  
July 9, 2008

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held 07/09/08  
Consent Agenda Item No. 23.b.