

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – JUNE 24, 2009 – 7:30 P.M

Mayor Heymann called the meeting to order at 7:33 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

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad (7:40 p.m.), Cynthia Tutoli and Victoria Amitai (7:37 p.m.)
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian
Tax Collector, Maria Passafaro

Also present in the audience was: Jim Oettinger, Recreation Director

4. 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)

Bobbie Bouton-Goldberg, Member of the Closter Historical Preservation Commission and Liaison to the Closter Environmental Commission asked for guidance from the Mayor and Council relative to the damage done to the northern side of the historic burying place and the unlawful cutting down of trees inside of the cemetery fence. Ms. Bouton-Goldberg informed the Adriance family had not given approval for this destruction. The shade lane entrance to the cemetery on Susan Drive has been altered to look like an extension of the neighboring property. The Historic Preservation Commission has been looking after the site and was hoping to have the cemetery designated. Trees on the property have recently been inspected and removed if necessary. Different code laws are involved and the Environmental Commission has filed a complaint with photos to the Building Department. The Commission is concerned about the inappropriate new landscaping, which includes invasive barberry, and improving the tree preservation ordinance. It is hoped that the person who willfully committed this vandalism on private and Borough property will be dealt with in a way that would discourage future offenders. Mayor Heymann advised that she had followed through on the complaint and spoken to various individuals. Borough Attorney said his office is looking into the matter; and he asked that any additional information be provided to him. Mayor Heymann said that the Borough would mete out the appropriate sanctions and would carry through on legal action if necessary for this trespass on and damage to Borough property.

Jim Oettinger, Recreation Director, advised that a representative from TEELS NVSA made a presentation to the Commission; and it is the unanimous recommendation of the Commission that the organization be allowed to rent Ruckman Park this summer for a camp. He explained the TEELS proposal is to operate from late June or early July until the end of August on sunny days only from 9:30 a.m. to 12:30 p.m. One tennis court would be used in addition to the Swim Club and NVSA. The organization is willing to pay \$125 per day with a refund to Closter residents only of \$25 for participation in the camp.

Mike Sung said he has run children's sports programs since 2005 out of NVSA; and in September 2008 was appointed Operations and Program Director for TEELS Impact Sports. He informed the Council of his background in children camps facilities and said it was his objective to run a quality day camp program with a sleep away style activities program. Arrangements have been made to use the Closter Swim Club facilities and tentative

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discussions have been held with Harrington Park to use Highland Field on Tappan Road, but he would prefer to keep the camp within the Borough of Closter. The camp would be limited to 25 children at any given time with use of a tennis court and probably use of the baseball diamond and the outdoor field. The lateness of the inquiry was due to the economic effect on our enrollment, which has now reached a point where the financial overture could be made. He explained the payment proposal for rental and care of Ruckman Park, which would be paid upfront, with no request for refunds for inclement weather; and the facility would be treated with respect.

In answer to questions from the Council, Mr. Sung advised that enrollment for the first two weeks starting June 29th is 30 children and the enrollment would reach 50 children during the week of July 13th. Rental of Ruckman Park as well as the membership agreement with Closter Swim Club would be in conjunction with the use of NVSA indoor facility. The goal is to have half of the children indoors and half outdoors. The children would be transported from site to site by 15-passenger vans driven by adult staff members with CDL licenses. Two round trip transitions are anticipated and the vans would be parked at NVSA. The age range for the children would be from high 5 years old to 11 years old and camp runs daily from 9 a.m. to 4 p.m. and external facilities would commence at 9:30 a.m. and 12:45p.m. Necessary certificates of insurance and Hold Harmless Agreement would be provided to the Borough and the umbrella policy is for \$2 million.

Councilman Kashwick expressed concern about the limitations on the use of the fields imposed by Green Acres and Bergen County Open Space. Borough Attorney advised there would be an issue depending on what part of the field was used, such as the tennis courts, and this would have to be researched.

Mr. Sung advised that food would only be served at the Oakland Avenue facility and the restroom facilities would be supervised by the staff. Each child would spend a maximum of one hour at Ruckman Field and at the Closter Swim Club. In answer to Councilman Glidden, Mr. Oettinger said that Ruckman Field track, tennis courts and playground are used during the summer but there are no organized sports activities and felt that there would be no hardship to Closter residents. Mr. Sung said that it is important during these economic times to provide a viable option to the families of Closter; and it is not in our best interest to create any ill will among any of the residents. He wants this to be an amicable situation; and under no circumstances do we wish to enter into a dispute with any resident of the Borough.

Steve Isaacson, 97 Columbus Avenue, questioned the fee for the camp and which park facilities would be used. Mr. Sung advised that the fee starts at \$375 per child per week, the field would only be used in the morning and the Closter Swim Club in the afternoon. One tennis court would be used, in addition to the baseball diamond and a portion of the open field that is used for soccer during the school year. Mr. Isaacson question that given the million dollar investment made in this park, is the proposal economically feasible for the Borough. He questioned if the High School has been approached and Mr. Sung said it is more a question of logistics. Mr. Oettinger said that the park did not cost a million dollars and we are looking to use the facilities to provide money for the Borough during these economic times. Only about 50% of the park would be used.

Jesse Rosenblum, 65 Knickerbocker Road, questioned the number of children using the facility. Mr. Sung responded that there would be 25 children at the entire facility with 6 children maximum using the tennis court in rotation every 30 minutes and the use of the facilities would be from 9:30 a.m. - 12:15 p.m. While the children are receiving tennis instructions, the remaining children would be involved in other activities such as baseball, football and soccer instruction. Snacks and lunch are provided only at the 100 Oakland Avenue facility. If necessary to facilitate an agreement, we would attempt to provide any documentation required by the Borough. TEELS is the primary tenant at NVSA and pays the rent and the taxes at the facility.

Councilwoman Tutoli expressed concern about the noise that would be created by the children; and Mr. Sung felt that the small number of children spread out in small groups at the facility would negate any noise problems.

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Paul Nyfenger, Recreation Commission Member, advised that he had made the motion to recommend acceptance of the offer and expressed support for the use of the field by the organization. Mayor Heymann said if positive action is taken on the request, the offer must be provided to any similar organization; and in that case, the Borough would have to advertise the potential for any other applicant.

Borough Attorney informed that a motion would have to be offered for the preparation and publication of bid specifications in conformance with a minimum bid which would have to be determined by the Council thereby giving any other organization or sports facility the opportunity to bid. The Borough's responsibility is to make sure if we are going to put the lease of public property out to bid the lease that we get the maximum amount of money from similar entities. He would determine what monies were used to construct the tennis courts. The Borough would have to award to the highest bidder unless there is a reason to disqualify. The bid specifications cannot limit the bidders to those having a business in the Borough but restrictions as to time and the use of one tennis court can be imposed.

Motion was made by Councilman Glidden, seconded by Councilman Barad authorizing the Borough Attorney to prepare bid specifications for the lease of a portion of Ruckman Park for up to three months and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

Steve Isaacson, 97 Columbus Avenue, speaking as a member of the Environmental Commission, referred to the Borough tree ordinance and questioned if Mr. Segal had permission to cut down the trees on cemetery property; and Mayor Heymann advised he did not. Mr. Isaacson stated it is time to prosecute for taking a piece of Closter's history and destroying it in addition to landscaping the area. Mayor Heymann explained to clarify there were three violations of the cemetery and the path to the cemetery. The first one was the Swatek family with permission from the owner, Tim Adriance, but they did not take out a permit for the tree cutting. The other two violations are from the owner of 42 Susan Drive. He did two things. One is he went into private property and cut down trees without a permit, in addition to which he also trespassed and violated the Borough paths to the cemetery and removed existing plantings and changed the contour of the path. Mr. Isaacson expressed support for licensing the landscapers and tree companies to make them as well as the homeowners responsible.

Mr. Isaacson read a letter from Judy Parker relative to tractor-trailers using West Street on a daily basis for a truck repair business and requesting that the application not be approved. Mayor Heymann stated that this letter should be referred to the Planning Board.

Hugh Johnson, 107 Demarest Avenue, asked if the Borough Attorney had researched the issue of John DiStefano's unemployment. Borough Attorney advised that the form that was filled out does provide the employer with the opportunity to contest the unemployment for up to 6 weeks of the 26 weeks at which point unemployment would review the application that would require some type of hearing before an eligibility determination is made for all or partial benefits. Mr. Johnson said that he obtained, through an OPRA request, the reverse of the form that was blank noting that it indicates that you must complete and return attached request for separation information only if the claimant was separated for other than lack of work. Borough Attorney said if that portion of the form is not filled out, the employer is not contesting the unemployment application; and under the statute the employer may either contest the application by filling out the form or, if the employer opts not to fill it out, unemployment will pay the benefits. If that section is filled out, it would put a pause on the application process. Mr. Johnson asked if the Council was aware of what the Mayor had done leaving these categories blank. Councilman Barad asked if the Mayor is under an obligation to fill out those sections; and the Borough Attorney indicated that she was not under that obligation but had an option. The question would be do we feel that unemployment should have been contested or not understanding that even had we contested same, unemployment may have paid the full 26 weeks. Borough Attorney said given what we and unemployment knew at the time and up until today, the most that could have been denied would be 6 weeks. We cannot go back in time and there is nothing in the statute that allows you to go back retroactively. The statute indicates that the only denial that can be made is the initial week of termination plus the next 5 consecutive weeks. An investigation of a crime does not qualify under the statute only criminal activity is indicated. Criminal activity presumes that there has

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been a charge; and in this case, there has been no charge by the Bergen County Prosecutor's Office nor has the Borough noticed of any activity only that something is pending. Mr. Johnson advised that he was in Court yesterday for the charge by Keith Sager of stalking and the hearing was adjourned because he did not and would not have an attorney present. He said he advised the Mayor that he would be charging the Borough for his time and gasoline for this charge; and in conjunction with this, he has been receiving harassing phone calls since November. At this time he played a recording of the calls. Borough Attorney advised that this is not the proper place to bring up this matter and the rules of this body must be respected.

Brian Beddoe, Deputy Recreation Director, stressed the importance of Labor Day and noted that we have lost Coach George Potterton. It is important that the town gets together on days like this; and asked consideration that the Borough makes it a special day in memory of Coach Potterton.

Jesse Rosenblum, 65 Knickerbocker Road, referred to a prior Construction Code Official/ Building Inspector/Zoning Officer who allowed violations on John Street and many illegal two-family homes. He supported keeping Keith Sager as an employee of the Borough noting that he is good at enforcement.

Steve Isaacson, 97 Columbus Avenue, questioned the appointment of the Borough Administrator as Purchasing Agent; and Mr. Wiest advised that he is not a Qualified Purchasing Agent in New Jersey, he is not presently bonded under the Joint Insurance Fund Program; and Mayor Heymann informed that a background check had been done on Mr. Wiest.

Cindy Saidel, Borough employee, questioned who had actually authorized the payment of John DiStefano's unemployment; and Councilman Barad indicated that the Mayor signed the form but the State authorizes the payment of unemployment benefits. Borough Attorney reiterated the unemployment procedure.

Ms. Saidel said that the Mayor does a lot of things that the Council should be involved in and she questioned why the Council allows the Mayor to have complete control over the entire Borough. It is supposed to be run as a democratic municipality with the Council voting on all issues and the Mayor only voting in the case of a tie not dictating how everything should be done. She said she has been denied monies promised to her while money was given to a male employee who is not entitled to it and in violation of the salary resolution. There are employees that send e-mails and letters to the governing body that are not acknowledged or answered. She noted that the Mayor continually violates Borough ordinances and took over the Administrator's office, while remanding him to a back corner on the second floor. The Administrator should be on the first floor to greet the public and handle all problems that come into the Borough Hall as in the past. The Administrator runs the town, not the Mayor. Ms. Saidel stated the Mayor sits in front of the residents and lies while attempting to have employees cover up for her as in the case of the monies given to John DiStefano. The Mayor doled out almost \$11,000 to a terminated employee without having to account for it. She questioned where else a Mayor can approve unemployment benefits to an employee that was paid \$93,000 to sit for countless hours watching pornography while denying benefits to another employee that was terminated by someone who was not working for the Borough at the time. Ms. Saidel stated certain members of the Council appear to be jockeying for some type of political position and are afraid of saying anything. Ms. Saidel stated that sometimes the Mayor and Council forget that the employees are human beings with families to support, that employees are productive members of society and go above and beyond for our residents every single day, with no recognition from our employers. It is time for the Council to stop playing fast and loose with Borough funds and do the job they are elected to do. It is unconscionable that the Mayor and Council would not address and settle legitimate employee complaints, opting instead for the employees to initiate lawsuits, knowing full well the Borough has an unending supply of taxpayer money to fight them. Ms. Saidel stated the Mayor and Council should be settling employee complaints, rectifying the problems and insuring that the problems would be handled and never re-occur. It is time for the governing body to stop playing games with its employees and treat them with the dignity and respect that they deserve.

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5. COMMUNICATIONS

a. MAIL LIST – JUNE 11, 2009 – 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: Councilman Hennessey removed Item Nos. 6 and 7.

Item No. 6 – Received 06/08/09 from Andrew S. Kohut, Wells, Jaworski & Liebman, LLP, Attorney for Applicant Robert & Michelle Armanico to Borough Clerk re Borough of Closter Zoning Board of Adjustment Notice of Public Hearing re Block 1203, Lot 6 and 7, 35 John Street, Closter to be held 6/17/09 @ 8:00 p.m.

Item No. 7 – Received 06/08/09 from Andrew S. Kohut, Wells, Jaworski & Liebman, LLP, Attorney for Applicant James V. Crimmins to Borough Clerk re Borough of Closter Zoning Board of Adjustment Notice of public Hearing re Block 1203, Lot 5, 49 John Street, Closter to be held 6/17/09 @8:00 p.m.

Councilman Hennessey advised that there was a special meeting of the Zoning Board of Adjustment for these two cases, which was cancelled at the last minute by the attorneys. The Zoning Board Secretary did not have time to get the information out to everyone.

b. MAIL LIST – JUNE 18, 2009 – 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: Councilman Barad removed Item Nos. 1 and 6.

Item No. 1 – Received 06/15/09, dated 06/15/09 from Janet F. Lukach, 290 Durie Avenue re request for complete curb replacement at 290 Durie Ave., Block 613, Lot 5 (Copy to William Dahle, Chief Berrian). Councilman Barad asked how the Council would be responding to this request. Councilman Hennessey advised that the DPW Superintendent had inspected the curb and believes the damage could not have been done by a Borough snowplow because of the installation of curb shoes. Borough Attorney said there would need to be a witness or evidence to the contrary. Borough Engineer said that the curb in that area is high and would be costly to replace but an assessment of the area could be made at the time a curb replacement program is contemplated. Borough Administrator said his office would arrange to have a letter sent to the resident.

Item No. 6 – Received 06/18/09, dated 06/18/09 from Karen and Dave Dooly re request for permission to waive demolition fee for their home located at 63 Closter Dock Road. In answer to Councilman Barad, Paul Demarest advised that the fee for a house demolition is \$350 and Mayor Heymann said that the request is something that can be done if there is a hardship involved. Jim Oettinger gave the background of the hardship involved.

Motion was made by Councilman Barad, seconded by Councilman Hennessey approving the waiving of the demolition fee for the Dooly home located at 63 Closter Dock Road and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

6. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY
(Subject to 5-minute limit 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.

7a. REVIEW OF CONSENT AGENDA ITEMS
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

Mayor Heymann explained the procedure and reviewed the items on the Consent Agenda

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and asked if any member of the Council or Public wished to remove or discuss any item.

ORDINANCES AND RESOLUTIONS

8.* BILL RESOLUTION – JUNE 30, 2009
TO BE PREPARED BY DEPUTY TREASURER

9.* *POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER (Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09):*

| <u>OFFICE</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|-----------------------|------------------|-------------|-------------------|
| DEPUTY TAX COLLECTOR | _____ | 1 Year | 12/31/09 |
| DESK DISPATCHER | | | |
| FULL TIME | _____ | 1 Year | 12/31/09 |
| POLICE MATRON | _____ | 1 Year | 12/31/09 |
| SCHOOL CROSSING GUARD | _____ | 1 Year | 12/31/09 |
| TREASURER | _____ | 1 Year | 12/31/09 |

~~10.*~~ RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF A PORTION OF LAND CURRENTLY LOCATED AT WESTMINSTER AVENUE AND WELLINGTON AVENUE IN THE BOROUGH (Received from Borough Attorney 6/18/09)

~~11.*~~ RESOLUTION AUTHORIZING THE APPOINTMENT OF QUENTIN WIEST AS PURCHASING AGENT FOR THE BOROUGH (Received from Borough Attorney 6/17/09)

12.* RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72 (Received from Auditor 6/19/09)

Mayor Heymann explained that the Borough made a major effort to send out the tax bills on time but the County is not ready to strike the County tax rate. Therefore, the bills cannot be prepared. Maria Passafaro, Tax Collector said the estimated bill would be for the 3rd Quarter payable for August 1st unless the time for payment has to be extended inasmuch as the bills must be forwarded to a vendor and the bills must be proved out in order to meet a statutory mail date

13* RESOLUTION NO. 2 RE 2009-2010 LIQUOR LICENSE RENEWALS

Borough Clerk explained that the corrected resolution which was distributed this evening provides for an additional licensee.

13a.* RESOLUTION ACCEPTING THE PROPOSAL OF BOSWELL MC CLAVE ENGINEERING DATED 5/19/09 AND AUTHORIZING BOSWELL MC CLAVE ENGINEERING TO PERFORM THE NECESSARY SERVICES FOR THE SURVEY, DESIGN AND INSPECTION OF THE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT IN THE AMOUNT NOT TO EXCEED \$52,100.00 (Received from Borough Engineer 6/22/09)

13b.* RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATE FROM THE DIVISION OF TAXATION ,WHO HAVE COMPLIED WITH ALL OTHER REQUIREMENTS FOR RENEWAL OF THEIR 2009-2010 ANNUAL LIQUOR LICENSE RENEWALS, TO APPLY FOR AN AD INTERIM PERMIT UNTIL SUCH TIME AS THEIR TAX CLEARANCE CERTIFICATE IS OBTAINED FROM THE DIVISION OF TAXATION

MOTIONS

14.* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09;

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6/10/09:

| <u>OFFICE</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|--------------------------------------------|------------------|--------------------------|-------------------|
| BOARD OF HEALTH ALT. NO. 2 | _____ | 2 Year un- expired to | 12/31/09 |
| HISTORIC PRESERVATION COMMISSION/MEMBER | _____ | 4 Year | 12/31/12 |
| IMPROVEMENT COMMISSION MEMBER | _____ | 2 Year un- expired to | 12/31/09 |
| MEMBER ALT. NO. 2 | _____ | 2 Year | 12/31/10 |
| MEMBER ALT. NO. 2 | _____ | 2 Year | 12/31/10 |
| RECREATION COMMISSION ASSOCIATE MEMBER | _____ | 1 Year | 12/31/09 |
| **SHADE TREE COMMISSION ALT. NO. 2 | _____ | 2 Year | 12/31/10 |

** Mayoral Appointment

- 15.* ~~POSSIBLE~~ MOTION APPOINTING TIM ADRIANCE TO SERVE AS A CLASS B MEMBER OF THE HISTORIC PRESERVATION COMMISSION FOR AN UNEXPIRED 4-YEAR TERM OF WILSON REIMERS TO EXPIRE ON 12/31/09 M.L. 3/5/09)(Adjourned from RM 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09)

Mayor Heymann advised that she had sent an e-mail containing Mr. Adriance's bio.

- 16.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 6/18/09) ABSTENTION: AMITAI

- a. REGULAR MEETING OF JUNE 10, 2009
- b. WORK SESSION OF JUNE 10, 2009

- 17.* POSSIBLE MOTION APPROVING/DENYING ISSUANCE OF HAWKER AND PEDDLER PERMIT #2009-002 BY THE POLICE DEPARTMENT TO BRIAN T. GOLDRICK, 348 CLOSTER DOCK ROAD, CLOSTER, NJ 07624, TO SELL HOT DOGS ON PRIVATE PROPERTY ONLY AT SELECT LOCATIONS IN CONFORMANCE WITH BOROUGH ORDINANCE AND WHERE WRITTEN PERMISSION FROM THE PROPERTY OWNER HAS BEEN GRANTED AS FOLLOWS: JERSEY NICKS CAR WASH ON ENDRES STREET; DTR AUTOMOTIVE ON DEMAREST AVENUE (Received from Chief of Police 6/18/09)

- 18.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
- a. CHIEF OF POLICE – MAY 2009 (Received 6/15/09)

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann previously removed Item Nos. 9 and 14. Councilman Hennessey removed Item No. 10. Councilman Barad removed Item Nos. 11 and 17.

- 7b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 9, 10, 11, 14 and 17 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

19. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

10. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF A PORTION OF LAND CURRENTLY LOCATED AT WESTMINSTER AVENUE AND WELLINGTON AVENUE IN THE BOROUGH (Received from Borough Attorney 6/18/09)

Councilman Hennessey questioned if Westminster Avenue had been a part of the appraisal that had been received and reviewed by the Council. Borough Attorney advised that the appraisal had been for both streets. Councilman Hennessey felt that the appraisal should be

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separated; and Mayor Heymann said that the bids could be separated. Borough Attorney explained that a minimum bid could be established for each parcel. The resolution was removed from the Agenda and would be resubmitted for each individual street.

Jesse Rosenblum, 65 Knickerbocker Road, questioned the purpose of the appraisals and Borough Attorney informed that any time the Borough considers leasing or selling anything, a fair market value is established so that a minimum value can be included in the bid specifications.

Mr. Rosenblum noted that Westminster Avenue is before the Zoning Board. It was decided to put out to bid the lease of Wellington Street only.

Mr. Rosenblum questioned what the Borough is doing to remove the violators from the Westminster Avenue property and restoring same; and he also questioned the Wellington Avenue lease location. Borough Attorney informed that they were given summonses and are now before the Zoning Board. Mayor Heymann said that the issue is also in Municipal Court. Councilman Hennessey advised that Wellington Avenue is a paper street used by Miele Sanitation to access the transfer station; and the Department of Environmental Protection does not allow him to queue his trucks on a paper street. Borough Attorney advised that Miele Sanitation offered to purchase the property; and the Mayor and Council chose not to do so but did consider investigating leasing of the property. Any affected property owner could object to the lease or bid on same.

11. RESOLUTION AUTHORIZING THE APPOINTMENT OF QUENTIN WIEST AS PURCHASING AGENT FOR THE BOROUGH (Received from Borough Attorney 6/18/09)

Councilman Barad inquired if the Borough Administrator felt comfortable with the aforesaid appointment even though he does not have purchasing certification and Borough Administrator answered in the affirmative.

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

17. POSSIBLE MOTION APPROVING/DENYING ISSUANCE OF HAWKER AND PEDDLER PERMIT #2009-002 BY THE POLICE DEPARTMENT TO BRIAN T. GOLDRICK, 348 CLOSTER DOCK ROAD, CLOSTER, NJ 07624, TO SELL HOT DOGS ON PRIVATE PROPERTY ONLY AT SELECT LOCATIONS IN CONFORMANCE WITH BOROUGH ORDINANCE AND WHERE WRITTEN PERMISSION FROM THE PROPERTY OWNER HAS BEEN GRANTED AS FOLLOW: JERSEY NICKS CAR WASH ON ENDRES STREET; DTR AUTOMOTIVE ON DEMAREST AVENUE (Received from Chief of Police on 6/18/09)

Mr. Goldrick, 348 Closter Dock Road, informed that he would be using a 4-wheel cart without propane but uses sterno, which is safer. The cart would be open on weekends at these two locations.

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

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

Mayor Heymann announced that COAH has accepted the application and that a Notice of Petition must be advertised for Substantive Certification within the next 10 days. This will give the Borough COAH certification and the maps and ordinances would be required at a later date.

Motion to recess the meeting at 9:12 p.m. to go into the Work Session was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

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Mayor Heymann resumed the Regular Meeting at 9:35 p.m. and asked for a motion approving the following Resolution:

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

- 20a. 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)(7) “Pending or anticipated litigation or contract negotiations and N.J.S.A. 10:4-12(b)(8), “A matter involving public employees; and the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, litigation and matter involving public employees which should be within 8 weeks.

Mayor Heymann resumed the Regular Meeting at 9:58 p.m.

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

- 21a. MOTION AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE A LETTER TO THE TEAMSTERS’ ATTORNEY AFFIRMING THE BOROUGH’S POSITION ON THE GRIEVANCE OF ANDREW BATES.

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

- 21b. MOTION AUTHORIZING THE BOROUGH ATTORNEY TO CONTACT AND RESOLVE WITH FILE BANK AN AGREEMENT FOR THEM TO RETURN THE FILES TO BOROUGH HALL FOR REVIEW AND PAYMENT, PENDING REVIEW BY THE BOROUGH AS TO THE PREPARATION OF THE BOXES AND WORK PERFORMED.

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

22. ADJOURN

Motion to adjourn the Regular Meeting at 10:00 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
July 2, 2009 for approval at the Regular
Meeting to be held July 8, 2009.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held July 8, 2009
Consent Agenda Item No. 20a.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – JUNE 24, 2009 – 7:30 P.M.

Mayor Heymann called the meeting to order at 9:10 p.m.

1. ROLL CALL

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick, David Barad, Cynthia Tutoli and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Police Dispatcher, Cindy Saidel
Police Dispatcher, Glenn Zeszotarski
Land Use Coordinator/Zoning Board of Adjustment, Paul Demarest
Tax Collector, Maria Passafaro

The following persons were absent: Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

Mayor Heymann advised 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/HENNESSEY)

- 1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN
(RM 7/9/08): Councilman Kashwick reported he was coordinating earlier in the day with the Borough Administrator to set up meetings for the Capital Budget and Open Space Trust Fund.
- 2) STATUS REPORT RE CLOSTER WEBSITE: Councilman Kashwick reported he and the Borough Administrator had spoken to Kevin Whitney regarding further changes to the website.
- 3) REPORT: Councilman Kashwick reported on the following:
 - a. The Mayor already mentioned the Estimated Tax Bills earlier so he would not go into that further at this time.
 - b. We have received \$25,000 check from the State so that is all settled. The Commission is planning Fall Tree planting and they are working on fine tuning of specifications for the annual pruning in each district.
 - c. Regarding the Environmental Commission and the MacBain farm, last year there was so much over-harvesting of vegetables they didn't have a chance to mature, so they plan this

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year to keep the farm closed, probably several days during the week, possibly three or four days during the week and they will be open on the weekends . They will be closed for several days during the week to allow the plants to mature.

d. The small signs for the trail are ready and they should be able to go up soon.

e. Regarding Historic Preservation, the hearing for the West Street/Harrington Avenue District has been postponed, originally scheduled for 7/27/09, but the attorney cannot make it on that date; and several of the Commission members will be away during that time; so to ensure that there will be a quorum, it has been postponed until Monday, 8/3/09, at 8:00 P.M. in the Council Chambers. The new signs for the Historic District reportedly will be in within the next few weeks. Tim Adriance, our newly appointed member, had brought up the fact that either 5/25/09 or 5/29/09 will be the 300th anniversary of the European settlement in the Closter area; and suggested the town do some sort of dedication or ceremonies and celebrations regarding that particular activity. Mayor Heymann noted she had sent Councilman Kashwick an e-mail regarding same; and he advised he will review it as well.

At this time, Councilman Kashwick reported he has two closed session items regarding real estate transactions.

At this time, Councilman Hennessey questioned Councilman Kashwick regarding the MacBain Farm as to who determines who can go in there, how much they can take and when they can take it. Councilman Kashwick responded that it is under the auspices of the Environmental Commission. Councilman Hennessey asked if anyone is monitoring it. Councilman Kashwick responded that some volunteers; and John McCaffrey is there and watches it when he can, but no, not really.

Borough Engineer had the following question regarding the Historic District on West Street. We have an application in with the DOT to resurface and re-curb the two southern blocks on West Street. Would that designation encumber it so that they cannot improve the curb and does it have any kind of historic relevance. Councilman Kashwick reported he does not know the answer to that question at this time and he will have to research that.

Borough Engineer reported it could affect the grant. Councilman Kashwick questioned if the plan was to widen the street; and Mr. DeNicola reported that this section of the street would be replacement in kind. There are concrete curbs on the sides, the old ones are deteriorating and crumbling, and the road would be resurfaced. That is the only thing that will take place. Councilman Kashwick explained he did not think that would make a difference but he does not know who would decide that as this is a local designation and not on the National Register. He cannot confirm that the Borough has the say.

B. PUBLIC SAFETY - GLIDDEN (TUTOLI/HENNESSEY)

1) REPORT – Councilman Glidden advised there is no report.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT- Councilman Hennessey reported the DPW Committee met last week

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and everything is moving along very nicely. He added he does have a comment from the Ambulance Corps. and they would like to thank the Mayor and Council for their support in seeing that Trenton maintains funding for training first responders.

At this time Councilman Hennessey reported that he would like to have a Closed Session discussion regarding someone in the Building Department.

D. ORDINANCE - BARAD (KASHWICK/AMITAI)

- 1) STATUS REPORT RE ORDINANCE COMMITTEE MEETINGS
- 2) REPORT – Councilman Barad advised he has nothing to report at this time.

E. HUMAN RESOURCES - TUTOLI (KASHWICK/BARAD)

- 1) STATUS REPORT RE PERSONNEL COMMITTEE MEETINGS
- 2) REPORT – Councilwoman Tutoli expressed that in her relief with having the new Borough Administrator, she has been remiss in setting up her monthly report; and she should have one at the next meeting.

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

- 1) REPORT – Councilwoman Amitai reported as follows:
 - a. Regarding the Building Department, there has been enough construction to bring them out of the red for the month.
 - b. The Closter Improvement Commission will be making recommendations for slight changes to the Sign Ordinance definitions which will be coming forth shortly. Councilman Barad stated he would like to see it in draft form before it is in final so they can look at it because changing the ordinance over and over again is probably not good form. Explaining the ordinance in a pamphlet is something they originally thought the Closter Improvement Commission would be doing, including things along lines of the Historic Commission guidelines for the Renaissance District, such as what color the sign can be and things like that. He stated he thought it goes beyond what they would like in the sign ordinance; it could be a recommendation from the Closter Improvement Commission or Historic Preservation Commission, but he does not think it should be put into an ordinance at this point. Councilwoman Amitai explained that the ordinance recommendations are primarily definitions/words; and in addition, they are working on a flyer so that an applicant that comes to town does not have to read through 50 pages of a sign ordinance, they can look at possibly 2 or 3 pages of perhaps suggestions, font styles, or goals that the Historic Preservation Commission has for the Renaissance District as put forth in those design guidelines a few years ago. In addition, although she had mentioned it before, Chief Berrian advised he would take a look, as they are requesting that wherever they can, if they can group their signs in a photograph, she believes it is the one online of the Borough Hall, where there are 12 signs within a block on freestanding poles. Ms. Amitai expressed her opinion that some of them can be grouped on one post to reduce visual interruption, and that is a goal.

They also discussed the appearance of the main entrance at Borough Hall. The Closter Improvement Commission primarily, and Historic Preservation Commission will be coming up with ideas to be considered. Ms. Amitai reported the Commissions would like to send out a letter

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to store owners, and stated she believes they need approval for this, to get approval from owners of stores to raise funds to participate in the Christmas decoration expenses. She questioned the Council if she needed to obtain approval of the letter before it was sent out. Borough Attorney questioned who would be requesting and sending the letters out; and Ms. Amitai reported the Closter Improvement Commission would like to send a letter to owners of buildings. Borough Attorney questioned who would hold the monies raised; and Ms. Amitai responded the money would go from the giver to the recipient, who would probably be Reilly's. Borough Attorney advised the money cannot go directly. Ms. Amitai questioned how it could be done; and the Borough Attorney explained it depends on what they are looking for, such as to raise money for a single vendor. Mayor Heymann advised they were looking to raise money for one vendor to pay for Christmas decorations. Councilman Barad stated that in principle it is raising money for a fund to pay for Christmas decorations; and at a later time, it should be decided who the vendor would be. It seems like a bad idea to be raising money with checks made payable to a vendor on behalf of the Borough. The funds have to come to the Borough to be paid to the vendor. Borough Administrator advised they should be careful if they have a vendor in mind because once the money comes to the Borough, the expenditures of the money may be governed by the Local Public Contracts Law. If they do not want to do that, they should think hard about the process. Mayor Heymann advised it is an ongoing contract; and Reilly's has the lights in their possession. Ms. Amitai stated she believes they have already provided the Borough with a quote for the services for this year. Maria Passafaro questioned if the money is appropriated in the budget. Ms. Amitai advised that until now the money has come out of the Closter Improvement Commission's budget. Mrs. Passafaro advised that it can be taken in; and if it is a trust, it is more limited. If it is reimbursing that budget line item, that would be O.K. If that is the case, the letter should be approved asking for the donation. Ms. Amitai advised she will bring the letter and get approval from the Mayor, Council and Borough Attorney to make sure it is legal. They also need to make sure the money comes to the Borough.

c. Councilwoman Amitai reported the Seniors are requesting the DPW pay a little closer attention to pruning their bushes twice a year, and pulling the weeds. She stated there is a problem where one window needs to be fixed and the column needs to be fixed. She asked if she should fill out a service request for the Seniors. Councilman Hennessey informed he will give the information to DPW Superintendent, Billy Dahle. Mayor Heymann advised it is not a Billy Dahle issue, it is a construction issue. The Borough has tried to get a grant to get those things done. The grant may not specifically state that this is in the grant. Councilman Hennessey question if they were referring to pruning the bushes and Mayor advised they are talking about repairing the window and the column. Councilwoman Amitai questioned if these repairs were a major expense and Mayor advised she received quotes and put them into the grant proposal and that it is not worded specifically for that; and she will review it with the Borough Administrator. Mr. Wiest advised that the authorization letter very specifically is not for those items. He advised the shrubbery can be trimmed and she can speak to the Supt. of Public Works about it.

At this time, Councilwoman Amitai noted there was a new person on the Closter Improvement Commission and she stated she was advised a new person had been approved and was curious if that person had been told where and when to show up. Mayor Heymann advised she was not aware of this. Borough Clerk questioned at what meeting this appointment took

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place. Councilwoman Amitai stated she did not remember the name of the person; and the Council and Mayor expressed they did not remember taking such action. Borough Clerk explained she was not advised of any such appointment. Ms. Amitai reported the person is Janet D. from Capital One Bank who was to be nominated; and Mayor Heymann explained she knew nothing about this. Mayor Heymann stated this person may have volunteered. Councilman Glidden advised it was Jeanette DiCarlo from Capital One Bank. Mayor Heymann explained that nobody came to her; and Ms. Amitai asked if anyone knew Jeanette. Mr. Glidden informed he knows her in response to Ms. Amitai's question as to who made the contact. Ms. DiCarlo is the Branch Manager of the local Capital One Bank. Mayor Heymann stated she has no problem but she does not think this is the way to go about it. Ms. Amitai noted this is from last night's meeting agenda; and Eric Mattes advised he was under the impression that Mayor Heymann was going to nominate her and he was curious whether or not she had been invited or why she did not show up. Borough Clerk questioned if a resume had been provided for consideration; and Ms. Amitai responded she was not aware. Borough Clerk noted the appropriate procedure would be to first submit a resume. Mayor Heymann explained that the procedure is that anyone can volunteer or be nominated by someone else for any of the vacancies on any of the boards which are listed on our website. The Mayor welcomes everyone to send in a resume with the appropriate information. Ms. Amitai questioned if the Mayor had approached the person yet; and the Mayor responded she did not even know her.

4. OLD BUSINESS
5. NEW BUSINESS
6. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
7. OPEN MEETING TO THE PUBLIC

Hugh Johnson, 107 Demarest Avenue, informed that the Tax Assessor's office has been missing a tile for the better part of the year on the left corner of the ceiling. He said he has spoken to DPW Superintendent Bill Dahle and he advised he is very, very busy. It is unsightly and who knows what's up there. Maybe the Mayor can encourage him since Mr. Dahle is in her office quite often, to take a look at it and make the necessary corrections because it is very unsightly. Mayor Heymann advised she will do so. Mr. Johnson added that the Tax Assessor is a little uncomfortable in there. Councilman Hennessey asked the location of the problem and Mr. Johnson reported it is the ceiling tile in the far corner and it has been this way for about a year.

Mr. Johnson informed that the MacBain Farm has been dumping grass clippings from their landscaping ventures down in our dump. Most landscapers take their refuse to ORI, the old movie theatre on Route 303. Mr. Johnson questioned why he is being permitted to do this. Mayor Heymann advised that he is not allowed and has been told he cannot do this anymore. Mr. Johnson asked when he was told; and Mayor Heymann and the Borough Attorney advised he was told last Saturday.

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At this time, Mr. Johnson explained he realized they are getting nervous about the time, but as he started to say, he can throw out barbs, and he is prepared to receive them back. As he told the Mayor yesterday don't anyone aggress against his wife, invade her privacy at 1:15 in the morning, his wife of 40 years, his lover, his soul mate, his best friend because then this mongoose will become rabid. He asked the Mayor if she understands. He continued that the Mayor would not have wanted this to happen to her husband while he was alive, and he does not want this to happen to his wife. Borough Attorney advised everyone to stay calm here and to settle down. Mr. Johnson continued they have been the victims of this since November. Borough Attorney advised that Mr. Johnson indicated that Detective Sgt. Kaine was looking into this and he is sure as soon as the Detective has an answer and provides it to Mr. Johnson, he is sure the Detective Sgt. will bring it to their attention. Mr. Johnson informed that only one number was involved. Borough Attorney advised Mr. Johnson to wait until he gets his report from the Police. Mr. Johnson accused Construction Official Keith Sager of being an alcoholic, and Mayor Heymann noted this is inappropriate for this meeting; and Borough Attorney concurred. He stated that if it is a Borough matter, it will be addressed.

Mr. Johnson explained he was outside when Cindy Saidel made her comments, a lot of them relevant. He noticed the Mayor did not respond to any of them and he thinks she is entitled to a response, and the public present is entitled to a response to these complaints. Borough Attorney advised if the Mayor and Council wants to deal with a personnel issue, it has the right to do so through a Personnel Committee or throughout the work day. There is no need for any member of the governing body to talk about a personnel issue in public if they choose not to do so. Mr. Johnson question if Cindy Saidel could go to the Personnel Committee; and Borough Attorney advised any employee of the Borough may go to the Personnel Committee, that's why it is there. Mr. Johnson voiced his assuredness that Cindy will take advantage of that. Borough Attorney advised Mr. Johnson his time was up.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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9. ADJOURNMENT

Motion to adjourn the Work Session at 9:35 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 2, 2009 for approval at
the Regular Meeting to be held
July 8, 2009.

Loretta Castano, RMC
Borough Clerk

Prepared by Arlene Corvelli
utilizing recording and Borough
Clerk's notes.

Approved at the Regular Meeting held July 8, 2009
Consent Agenda Item No. 20b.