

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 28, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, April 28, 2010. Mayor Heymann called the meeting to order at 7:30 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., Alissa Latner, John Kashwick,

David Barad (7:36 p.m.), Arthur Dolson, Victoria Amitai

Borough Administrator, Quentin Wiest

Borough Administrator, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

At this time, Mayor Heymann asked for a Moment of Silence on the passing of the Father of Councilman John Kashwick.

At this time, Mayor Heymann asked for a Moment of Silence on the passing of the Grandfather of Borough Engineer, Nick DeNicola.

4. a. INTRODUCTION OF ORDINANCE NO. 2010:1067, 'BOROUGH OF CLOSTER CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) – PUBLIC HEARING – 5/26/10 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Auditor 4/23/10)

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

b. INTRODUCTION OF 2010 MUNICIPAL BUDGET AND RELATED RESOLUTIONS PUBLIC HEARING – JUNE 9, 2010 @7:30 P.M. (Requested by Auditor 4/23/10 @10 A.M.)
TO BE PREPARED BY AUDITOR

Mayor Heymann removed the Introduction of the 2010 Municipal Budget from the Agenda noting that clarification is needed on several items. It is hoped to introduce the Budget at the next meeting.

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

Mayor Heymann opened the meeting to the public.

6. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinances were introduced at the Regular Meeting held 3/24/10 and were published in the Press Journal on 4/1/10 as stated in the printer's affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

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- a. ORDINANCE NO. 2010:1064, “AN ORDINANCE ADOPTING AMENDMENTS TO THE SEPTEMBER 2009 PERSONNEL MANUAL”

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

Motion approving adoption of Ordinance No. 2010:1064 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai.

Dr. Barad entered the meeting at 7:36 p.m.

- b. ORDINANCE NO. 2010:1065, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR THE POLICE DEPARTMENT’S FEES FOR PRIVATE DUTY WORK”

Mayor Heymann declared a Public Hearing.

Michael Kafer, 261 Parsells Lane, asked if utilities companies were required to use a police officer as a flagman. Police Chief Berrian advised that the ordinance required use of either police officers or private flagmen.

Motion approving adoption of Ordinance No. 2010:1065 was made by Councilwoman Amitai seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- c. ORDINANCE NO. 2010:1066, “AN ORDINANCE REPEALING ORDINANCE 2009:1036 AND AMENDING SCHEDULE A: LIMITING SCHEDULE, SPECIFICALLY, CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA”

Mayor Heymann declared a Public Hearing.

In answer to Jesse Rosenblum, 65 Knickerbocker Road, Borough Attorney advised that this ordinance would avoid a trial in the future even though the Borough contends that the previous ordinance was properly adopted and that the change in the ordinance is consistent with the Master Plan. There was a question on the process; and the Borough contends that the proper procedure was followed. The ordinance reduced unlimited retail footage to 45,000 square feet. The adoption of the ordinance would eliminate the need for professional depositions and trial on this matter. Mr. Rogan informed that in researching different anchor stores throughout the country, A & P had stores of 50,000 to 80,000 square feet. It was felt that 45,000 square feet would provide control of these big box stores; and the Borough’s A&P is larger than the store proposed at Closter Plaza. The 1,300 K-Mart stores throughout the country average 92,000 square feet; and the K-Mart in Closter is approximately 80,000 square feet.

Mr. Rosenblum noted that at the meetings on Closter Plaza, it was brought out by the applicant that a Whole Foods in a New Jersey college town has 32,000 square feet

Councilman Glidden said that the K-Mart lease expires in 2014, and asked if the space is vacated, would a new tenant be limited to 45,000 square feet; and the Borough Attorney answered in the affirmative.

Motion approving adoption of Ordinance No. 2010:1066 was made by Councilman Glidden seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

7. COMMUNICATIONS

- a. MAIL LIST – APRIL 15, 2010 – 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: Borough Clerk removed Item No. 10:

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Item No. 10 - Received 4/15/10, dated 4/10/10 from Marc Pfeiffer, Acting Director, Dept. of Community Affairs, Division of Local Government Services – Distribution to Borough Clerk via GovConnect re Local Finance Notice LFN 2010-11, “Local Government Ethics Law; 2010 Financial Disclosure Statements: (Copy to Edward Archer, Chairperson, Board of Ethics)

Ms. Castano noted that she had provided a copy to the Chairman of the Board of Ethics and explained that this Notice informs that the Roster has been changed regarding the people who have to file Financial Disclosure Statements.

b. MAIL LIST – APRIL 22, 2010 – 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 No. 2.

Item No. 2 – Received 4/16/10, dated 4/15/10 from Ralph A. Fragola, Jr., 73 Haring Street re Petition on behalf of the residents of Haring Street requesting the Borough, as caretaker of the south side of Haring Street (Green Acres), to assist in the “clean up day” arranged by the residents to be held 5/8/10 by providing manpower and equipment and informing of dead trees that need to be cut within a 25’ setback from the curb.

Councilman Barad explained he believes it is always a good idea to clean things up and is aware the Mayor is taking care of this matter; but he recognizes that it is Borough property and asked for more specifics such as insurance issues, who determines if the trees are dead, what will they do with them, what are they going to do. He added there are a lot of issues. Mayor Heymann voiced her understanding that when they reach that point, it will be more simplified. Dr. Barad asked for clarification; and the Mayor said she did not believe they would be cutting trees down. Dr. Barad referred to the specifics in the letter regarding dead trees and their desire to cut them down due to the possibility of their falling in another storm and taking out power. Mayor Heymann mentioned something about trees not impinging on Borough property; that these can fall down and have clearance. He continued that in the letter they inform they want to clean something up, people can clean up their neighborhoods which is a good thing, but who will be looking over their shoulder. Mayor Heymann explained she would check things out.

At this time, Mayor Heymann read a letter from Temple Beth El of Northern Valley Religious School asking for permission to use Memorial Field on Sunday, 5/16/10, from 9:30 a.m. to 11:30 a.m. to hold a program for Temple Beth El Religious school students and families. Mayor Heymann said that Jim Oettinger has advised that the field is available at that time and that the relevant paperwork has been obtained.

In answer to Councilman Kashwick, Borough Attorney explained that the approval would be subject to the receipt of insurance and hold harmless agreements, which he believed had been obtained. He added that when it comes to a charitable institution, there is no bidding requirement.

The following Motion was made by Councilwoman Latner, seconded by Councilman Barad to be included on the Consent Agenda:

7c. MOTION GRANTING APPROVAL FOR TEMPLE BETH EL TO USE MEMORIAL FIELD ON SUNDAY, 5/16/10, FROM 9:30 A.M. TO 11:30 A.M. FOR THE PURPOSE OF HOLDING THE END OF YEAR PROGRAM FOR THE RELIGIOUS SCHOOL STUDENTS AND FAMILIES (7. M.L. 4/29/10), SUBJECT TO RECEIPT OF APPROVAL FROM THE RISK MANAGEMENT CONSULTANT

Said motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

At this time, Mayor Heymann read a letter and resolution from Ruth Rando, Director, Closter Public Library relative to the support of preserving dedicated Library Funding for Municipal Public libraries and the N.J. Library Network.

Mayor Heymann explained that part of the Governor’s Budget Message was to eliminate State support of libraries and the proposed funding change was indicated in A-2555. Councilman Barad said that this matter, which is a State mandate, has been discussed and he was in favor of a

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law that would give the Borough more discretion in funding of the Library. Councilman Glidden expressed his agreement noting that the funding mandate is burdensome and not appropriate at this time. He explained that during his time as liaison he could see how much money was going to the Library that could have been used in the Municipal Budget. He expressed support for the Library but had concern about the funding mandate. Councilman Kashwick expressed support for maintaining the present funding mandate. Mayor Heymann voiced her opinion that the 1/3 of a mil has become a larger number due to the increase in property values and that she would prefer to see that number reduced rather than removed.

Michael Kafer, 261 Parsells Lane, said that this is a verbal add on to the agenda, which he felt was dangerous because the public did not have the opportunity to be versed on the matter. Members of the public may wish to debate the matter.

Councilwoman Amitai expressed her agreement with Councilman Barad's and Mr. Kafer's remarks and asked if this matter could be tabled for further discussion and review. Borough Attorney advised that the resolution is from the Library and is not the Borough's; and based on discussion, a resolution can be prepared for Council review.

8. 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.

9a. 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 and asked if any member of the Council or public wished to remove or discuss any item.

ORDINANCES AND RESOLUTIONS

10.* BILL RESOLUTION – APRIL 30, 2010
TO BE PREPARED BY DEPUTY TREASURER

11.*—POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10; 1/27/10; 2/10/10; 2/24/10; 3/10/10; 3/24/10; 4/14/10) - RESOLUTIONS TO BE PREPARED BY ADMINISTRATOR

| <u>OFFICE</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|------------------------------|------------------|-------------|-------------------|
| *ALTERNATE PROSECUTOR | _____ | 1 Year | 12/31/10 |
| DEPUTY BOROUGH CLERK | _____ | 1 Year | 12/31/10 |
| CONSTRUCTION OFFICIAL | _____ | 4 Year | 12/31/13 |
| DEPUTY TAX COLLECTOR | _____ | 1 Year | 12/31/10 |
| DESK DISPATCHER | | | |
| FULL TIME | _____ | 1 Year | 12/31/10 |
| PERMANENT CLERICAL FLOATER | _____ | 1 Year | 12/31/10 |
| POLICE MATRON | _____ | 1 Year | 12/31/10 |
| **QUALIFIED PURCHASING AGENT | _____ | 1 Year | 12/31/10 |
| SCHOOL CROSSING GUARD | | | |
| PART TIME | _____ | 1 Year | 12/31/10 |

* (Fair and Open Process)

**Permissive (1b. Mail List 12/23/09 – recommended Borough Attorney review)

12.*—RESOLUTION APPOINTING _____ AS ALTERNATE PROSECUTOR FOR A 1-YEAR TERM TO 12/31/10 (Resumes received 3/3/10)
 (Removed from RM Agenda 3/10/10) - TO BE PREPARED BY ADMINISTRATOR :

13.*—RESOLUTION AWARDED CONTRACT FOR PURCHASE AND INSTALLATION OF SPORTS FIELD LIGHTING CONTROLS AT MEMORIAL PARK (A/K/A CONTROL LINK LIGHTING) TO QUALITY ELECTRICAL CONSTRUCTION CO., 290 LAUREL AVENUE, WEST KEANSBURG, NJ 07734-3022, IN THE AMOUNT OF \$20,800 (Total bid amount)
 (Received from Borough Attorney 3/30/10/Removed from RM Agenda 4/14/10)

14.*—RESOLUTION APPROVING SIDEWALK WAIVER FOR 66 TAILLON TERRACE, BLOCK 607, LOT 3, SANDRA JAQUEZ (Discussed at RM 4/14/10)

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TO BE PREPARED BY BOROUGH ENGINEER

15.*—POSSIBLE RESOLUTION AWARDDING CONTRACT FOR PLANNER – HISTORIC PRESERVATION (Sole RFQ received at opening held 4/22/10 @ 10:30 a.m. and distributed 4/23/10)

16.* RESOLUTION OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY PROVIDING FOR THE ISSUANCE AND SALE OF THE BOROUGH’S GENERAL OBLIGATION BONDS, SERIES 2010, AUTHORIZED BY BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH AND PROVIDING FOR THE FORMS, MATURITY DATES AND SALE TO THE BERGEN COUNTY IMPROVEMENT AUTHORITY; AND PROVIDING OTHER DETAILS WITH RESPECT TO SAID BONDS (Requested by Bond Counsel)
TO BE PREPARED BY BOND COUNSEL

16a.* RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE DEVELOPER’S AGREEMENT FOR BLOCK 1104, LOT 18 (A.K.A. VANTAGE) (Received from Borough Attorney 4/27/10)

MOTIONS

17.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 4/22/10) ABSTENTION: LATNER
 a. REGULAR MEETING OF APRIL 10, 2010
 b. WORK SESSION OF APRIL 10, 2010

18.*—MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10; 1/27/10; 2/10/10; 2/24/10; 3/10/10; 3/24/10; 4/14/10):

| <u>OFFICE</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|--|------------------|--------------------------|-------------------|
| IMPROVEMENT COMMISSION Member | _____ | 2 Year | 12/31/11 |
| *SHADE TREE COMMISSION Member (Ryan) (3. M.L. 3/11/10) <i>* Mayoral Appointment</i> | _____ | 5 Year un- expired to | 12/31/11 |

19.*—MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON 1/4/10 (Which have not been accepted as of the time of preparation of this Agenda):

Borough Clerk advised that signed Oaths of Office have been received for the Historic Preservation Commission Class B and Alternate No. 2 members; Member and Alternate No. 2 member of the Improvement Commission. Mayor Heymann said that the Borough Clerk has gone through a tremendous effort to obtain signed Oaths of Office and progress is being made. The appointees who have not submitted oaths are far past the time indicated in the current law and therefore must be reappointed once they are willing to sign an Oath of Office.

| <u>OFFICE</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|---|------------------|--------------------------------------|---------------------|
| HISTORIC PRESERVATION COMMISSION Member (Class B) rec’d 4/27/10 | _____ | 4 Year | 12/31/13 |
| Alternate No. 2 rec’d 4/26/10 | _____ | 2 Year | 12/31/11 |
| IMPROVEMENT COMMISSION Member rec’d 4/28/10 | _____ | 2 Year | 12/31/11 |
| Member | _____ | 2 Year un- expired to | 12/31/10 |
| Alternate No. 2 rec’d 4/28/10 | _____ | 2 Year un- expired to | 12/31/10 |
| LIBRARY Belskie Foundation Representative | _____ | 1 Year | 12/31/10 |
| POLICE DEPARTMENT Assistant Police Surgeon | _____ | 5 Year | 12/31/14 |

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RECREATION COMMISSION

| | | | |
|------------------------|-------|--------------------------|----------|
| Assistant Director | _____ | 1 Year | 12/31/10 |
| *SHADE TREE COMMISSION | | | |
| Alternate No. 2 | _____ | 4 Year un- expired to | 12/31/11 |

**Mayoral Appointment*

~~20.*~~ MOTION APPROVING/DENYING APPLICATION FOR HAWKER & PEDDLER PERMIT NO. 2010-002 FOR JOHN MARCASCIANO, MANAGER, TRG/VERIZON FIOS TO GO DOOR-TO-DOOR SELLING VERIZON FIOS (Received from Chief of Police 4/21/10)

21.* RESOLUTION APPROVING ISSUANCE OF 2010 CERTIFICATE OF COMPLIANCE TO JOHN PETERS PROFESSIONAL LIMOUSINES, 231 HERBERT AVENUE, CLOSTER, NJ, FOR ONE (1) NAMED VEHICLE PURSUANT TO N.J.S.A. 48:16-17; EXPIRATION: 12/31/2010 (Appropriate fees paid and approvals received from Risk Management Consultant on 4/16/10 and Borough Attorney on 4/19/10)

21a.* GRANTING APPROVAL FOR THE RECREATION COMMISSION TO CONDUCT THE ANNUAL LITTLE LEAGUE PARADE ON SATURDAY, 5/1/10, BEGINNING AT 11:00 A.M. AT THE BOROUGH HALL AND PROCEEDING THROUGH TOWN TO MEMORIAL FIELD FOR THE OPENING DAY CEREMONIES (Requested by Recreation Director 4/25/10)

21b.* GRANTING APPROVAL FOR CERTAIN ROADS TO BE CLOSED THE MORNING OF SUNDAY, 5/16/10, FOR TEMPLE EMANUEL TO CONDUCT THE ANNUAL JERRY FINK Z"L MEMORIAL RUN/WALK PARTIALLY THROUGH THE BOROUGH BEGINNING AND ENDING AT VETERANS MEMORIAL PARK; RUN: FROM APPROXIMATELY 8:30 A.M. TO 9:15 A.M.; WALK: FROM APPROXIMATELY 8:45 A.M. TO 10:15 A.M., SUBJECT TO RECEIPT OF APPROVAL FROM RISK MANAGEMENT CONSULTANT (2. M.L. 2/11/10)

22.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
(None received at time of preparation of this Agenda)

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann previously removed Item Nos. 11, 12, 13, 15, 18 and 19. Councilman Kashwick removed Item Nos. 13 and 16. Councilman Dolson removed Item No. 14. Councilman Barad removed Item 20.

9b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 11, 12, 13, 14, 15, 16, 18, 19, and 20 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

23. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

13. RESOLUTION AWARDED CONTRACT FOR PURCHASE AND INSTALLATION OF SPORTS FIELD LIGHTING CONTROLS AT MEMORIAL PARK (A/K/A CONTROL LINK LIGHTING) TO QUALITY ELECTRICAL CONSTRUCTION CO., 290 LAUREL AVENUE, WEST KEANSBURG, NJ 07734-3022, IN THE AMOUNT OF \$20,800 (Total bid amount) (Received from Borough Attorney 3/30/10/Removed from RM Agenda 4/14/10)

Councilman Glidden said this resolution is to be removed permanently from the agenda and Borough Administrator said he would prefer a resolution rejecting all bids. Borough Attorney was requested to prepare same for the next meeting.

Motion authorizing the Borough Attorney to prepare a resolution rejecting all bids was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

14. RESOLUTION APPROVING SIDEWALK WAIVER FOR 66 TAILLON TERRACE, BLOCK 607, LOT 3, SANDRA JAQUEZ (Discussed at RM 4/14/10)
TO BE PREPARED BY BOROUGH ENGINEER

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Councilman Dolson asked if the property owner was going to install the sidewalk or post a bond. Mayor Heymann said that the homeowner requested the waiver, which provides for payment of the amount indicated by the Borough Engineer. Borough Clerk confirmed having received written verification from Ms. Jaquez (12. M.L. 4/29/10)

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

16. RESOLUTION OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY PROVIDING FOR THE ISSUANCE AND SALE OF THE BOROUGH'S GENERAL OBLIGATION BONDS, SERIES 2010, AUTHORIZED BY BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH AND PROVIDING FOR THE FORMS, MATURITY DATES AND SALE TO THE BERGEN COUNTY IMPROVEMENT AUTHORITY; AND PROVIDING OTHER DETAILS WITH RESPECT TO SAID BONDS (Requested by Bond Counsel)
TO BE PREPARED BY BOND COUNSEL

Councilman Glidden said that this was a very successful bond issue and the benefit of the County Program is pooling bond issues from numerous municipalities and providing a triple A bond rating. The bond issue was sold at 2.6%, which is the lowest in the history of Closter.

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

20. MOTION APPROVING/DENYING APPLICATION FOR HAWKER & PEDDLER PERMIT NO. 2010-002 FOR JOHN MARCASCIANO, MANAGER, TRG/VERIZON FIOS TO GO DOOR-TO-DOOR SELLING VERIZON FIOS (Received from Chief of Police 4/21/10)

Councilman Barad expressed support for denying the application and Borough Attorney said that the company must comply with the ordinance and provide the necessary information to the Police Department. Chief Berrian said that the necessary documentation has been provided. Borough Attorney said that the Council may wish to review the material and carry this matter.

Jesse Rosenblum, 65 Knickerbocker Road, said that population does not change in a 3-year period and he questioned how often these companies can go door to door. He suggested that vendors who are issued a permit should be listed on the Borough website.

Motion of denial was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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

Jesse Rosenblum, 65 Knickerbocker Road, referred to the destruction of the backstops and requested that the Borough Administrator ascertain from the Recreation Department if a maintenance manual exists.

Michael Kafer, 261 Parsells Lane, referred to what he termed as a verbal add-on resolution at the March 24th meeting referring to the Bergen County Solid Waste Management Plan including a portion of Wellington Avenue due to an application from Miele Sanitation (Consent Agenda Item No. 14b.). He questioned the meaning of the resolution. Borough Attorney said that the part of Wellington Avenue that is being leased by Miele Sanitation would be used as a recycling center. A portion of the street was leased to Miele Sanitation several months ago for a monthly fee, this lease was the subject of a public bid and he was the only bidder. The Miele Sanitation application to the County was deemed incomplete and even though he had a copy of the lease, this resolution was required. Mr. Kafer noted that since Closter has a transfer station, there should be serious interest in reviewing the County's Solid Waste Management Plan. Borough Engineer voiced his understanding that the Planning Board reviewed the Plan and offered comments.

Mayor Heymann said that nothing on the Consent Agenda is adopted without the specific consent of the Mayor and Council. Mr. Kafer noted that including a resolution on the Agenda in the afternoon of a meeting precludes the public from being prepared to address the issue. The Solid Waste Plan should have been reviewed to provide input.

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In answer to Jack Kelly, 132 Herbert Avenue, Borough Attorney advised that a portion of Wellington Avenue is leased, not dedicated, and that only Miele Sanitation has access to this 20-foot segment of the roadway adjacent to Miele Sanitation property; and the adjacent property owner gave his consent to the procedure prior to the approval.

Linda Albelli, 353 High Street, noted that the lighting control bid procedure, which was approved by the Mayor and Council was frivolous spending. Mayor Heymann explained the bidding procedure and noted that at the time the bid was received, the entire Council agreed that same was not appropriate, therefore, the money was never spent. Ms. Albelli objected to the wasting of money on the bidding procedure. Councilman Glidden advised that the lights stay on at Memorial Field until manually turned off; and it is a problem the Council has been trying to resolve. It was agreed that the \$20,800 bid that was received was too high.

Steve Isaacson, 97 Columbus Avenue, said that he brought it to the attention of everyone that \$20,800 was too much to spend and you changed your mind. He objected to the spending practices of the Borough. He objected to the reduction of times for the public to address the Council which will make it hard for the public to come to a meeting at a reasonable time.

In answer to Jack Kelly, 132 Herbert Avenue, Borough Attorney said that a portion of Westminster Avenue could be leased but it would be a policy decision by the Mayor and Council depending on the needs of those property owners contiguous to the road.

Peter Gianuzzi, 465 Closter Dock Road, referred to a rumor that Whole Foods was going to open in Norwood. Mayor Heymann said that she had spoken to the Norwood Land Use Clerk and the developer who had no knowledge of the rumored move to Norwood. Warnings and summonses have been given on the condition of the parking lot at Closter Plaza; and same will continue until the parking lot is repaired.

In response to Mayor Heymann's request, a Motion to recess the Regular Meeting at 8:48 p.m. to go into the Work Session was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:12 p.m.

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

Motion approving the following Resolution at 9:12 p.m. was made by Councilman Glidden seconded by Councilman Barad and declared unanimously carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- 25a. 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 that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations which should be within 8 – 12 weeks.

Mayor Heymann resumed the Regular Meeting at 9:50 p.m.

Julia Kopf, Closter Library employee, expressed support for the continued level of funding for the Library noting that the facility is utilized by high school students for research and for guidance in accessing data bases. She said without the library this type of service would not be available for our children. She asked the Council to support the resolution provided by the Library. Mayor Heymann said the resolution would be reviewed, that a Borough resolution would be considered at the next meeting and that Councilpersons Kashwick and Latner would be working on same.

Mayor Heymann reported on a meeting held last evening in Alpine attended by herself, Borough Attorney and Joe Bianco during which traffic and speed limits on Closter Dock Road were addressed. Borough Attorney said that lowering the speed limit on Closter Dock Road was reviewed several years ago and he felt if that were accomplished, the alternate east-west route may not be considered. The lowering of the speed limit had been approved by the County but had not been approved by the State Department of Transportation.

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26. ADJOURN

Motion to adjourn the Regular Meeting at 9:55 p.m. was made by Councilman Barad, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on May 6, 2010 for approval
at the Regular Meeting to be held
May 12, 2010.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held May 12, 2010
Consent Agenda Item No. 19b.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 28, 2010 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:49 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa J. Latner, John Kashwick,
David Barad, Arthur B. Dolson and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

Mayor Heymann 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 - DOLSON (GLIDDEN/ KASHWICK)

1) STATUS REPORT RE CLOSTER WEBSITE – Mr. Dolson reported he had nothing new to discuss regarding the website.

2) REPORT – Mr. Dolson reported on the following:

a. The Ambulance Corps. had to have a mid-term election due to the resignation of the previous Captain, and he believes the new Captain is Ross Herbert. In response to Mayor Heymann, he explained it was understood the previous Captain had too many conflicts to afford the time necessary. They had a lateral move for vacancies up the line of Trustees, Officers and so on as a result.

b. The Board of Health did not meet this month.

c. The Zoning Board of Adjustment had two items on the Mail List regarding Armaniaco final site plan application – which took the entire meeting; so Crimmins was adjourned again. They also addressed the issue of the Mayor informing them she had attended the meeting of the Planning Board of the Borough of Alpine to revisit the opening of Ruckman Road and Anderson Avenue.

Mr. Dolson expressed that the status of the budget had been previously explained and he didn't believe he needed to repeat any of it; but added that we are down to the wire; and, hopefully, we will have a great one this year without some of the threats and ominous issues affecting other towns. He noted that we are trying very hard; and in order to be succinct said thank you.

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B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Mr. Glidden informed he was in possession of a letter received by Chief Berrian from the NJ State Association of Chiefs of Police congratulating Closter on the new accreditation from the CALEA program. He expressed he felt that Sgt. Kaine should be commended for his work in leading that effort; as well as the Chief for supporting and being heavily involved in the effort. It is a significant recognition of our Police Department and has its advantages, such as insurance, as an example. Mr. Glidden thanked Chief Berrian and extended his congratulations to the Department; and the Chief thanked Mr. Glidden and the Council for their support.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

- 1) REPORT – Mrs. Latner reported on the following:
- a. Earlier they had discussed the library and she wished to make a point that at the Trustee meeting and at the last meeting as well – they were referring to the fact that during the last storm, people were really utilizing the library in terms of it being one safe haven that everyone could come to – as well as what was mentioned earlier in the Regular Meeting.
 - b. Mrs. Latner affirmed she had seen the Fire Department report that was approved at the last Regular Meeting; as she was unable to attend.

Dr. Barad asked Mrs. Latner if she had spoken to Bill Dahle (DPW Superintendent) about the mulch. She informed she found out some other things but not regarding that issue specifically; she will get back to him on that.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Dr. Barad wished to make a few comments about the New Agenda. He voiced his feeling that the public would have ample time to speak under the new Agenda organization the Ordinance Committee has proposed. He reminded that it is only a trial of the new agenda; and if it doesn't work out, or we don't like it, we can change it. It has not been adopted in any form or way that makes it permanent. The format is to enable the Council to go about trying to organize its business so the Council can get the work done and the public can be heard. He hoped the new agenda would accomplish this better than what we have had in the past. He expressed that he hoped all members of the public and Council would provide the opportunity to see if it works. If it does not work, we can tweak it again. He explained that it is normal for some people to be scared of change, but he asked for patience. Dr. Barad said he hoped we would not lose the voice of Mr. (Steve) Isaacson as he is always interesting and always has good observations that we have an opportunity sometime to use effectively. Mayor Heymann added that up until three years ago, our Council meetings began at 8 o'clock; and it is very likely that the work sessions would not go way beyond 8 p.m.; so essentially the time for public input, which will be part of the Work Session anyway, would be the same as what this Borough has seen in the past. Dr. Barad expressed his agreement to same. He reported that the next Ordinance Committee meeting has already been scheduled and the agenda has already been prepared. He informed that Chief Berrian will be joining the next call to discuss some fees; and they appreciate his willingness to participate in same.

- 1) REPORT – Dr. Barad had nothing further to report.

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E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

- 1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Mr. Kashwick reported that the Human Resources Committee met last week and discussed performance goals and staffing issues. He asked Mr. Wiest if there was anything regarding same that needed to be discussed in Closed Session and Mr. Wiest responded not at this time.
- 2) REPORT – Mr. Kashwick reported on the following:
 - a. He announced that Closter was named Tree City USA for the 10th consecutive year by the Arbor Day Foundation. The Shade Tree Commission had its Arbor Day tree planting on April 17th. The bid was awarded for a grant that was received for the tree planting at Pollack Square; and, hopefully, that will be completed some time in May. There are also street tree plantings in progress throughout the Borough.
 - b. The Environmental Commission had its Spring Cleanup on 4/17/10. The Commission is also discussing the Conservation Zone and hopes to report back to the Planning Board in a few weeks. Regarding the fence at the MacBain Farm, which monies were allocated for last year, at least one section of the fence has been installed.
 - c. The Historic Preservation Commission did a marvelous job for all of the events during the 300th Anniversary including the historic sign at the (Naugle-Auryansen) cemetery; the re-enactments, and all of the other events they have been a part of.

At this time Mr. Kashwick thanked everyone for their support and condolences on the death of his father and thanked Chief Berrian and his staff for all of their assistance on Monday organizing everything.

F. PRIVATE CONSTRUCTION, LAND USE, ZONING ENFORCEMENT & NEW BUILDINGS – AMITAI (BARAD/DOLSON)

- 1) REPORT – Mrs. Amitai reported on the following:
 - a. The Closter Improvement Commission met and they are in touch with the high school to try to arrange a senior project to restore the mural on the wall of the violin store. The DPW needs to replace some trash receptacles and the CIC has provided input on what type of bins should be purchased if and when that takes place. She then questioned if the base of the clock at the triangle had been repainted and Mayor Heymann advised that Marek from the DPW had painted the base and spruced it up. She explained that we had done it without spending a tremendous amount of money; and Mrs. Amitai expressed her pleasure as a result. She continued to report that Cherylin (Clarke) was still working on trying to build up the Chamber of Commerce by speaking with more business owners; and she also has some Lions Club members who are interested; and, hopefully, that will begin to take some shape. Regarding the grant for Historic Preservation, Mrs. Amitai questioned how to get more people, asked if they could put out feelers to more people and Mayor Heymann advised they would further discuss same in Closed Session. Mrs. Amitai reported they had asked for and obtained quotes for planting the pots in the Renaissance District from Woods Landscape so that should be forthcoming.
 - b. The Planning Board did not have its Sub-Committee meeting this month; therefore, she had no report.
 - c. The Building Department did not meet this month; therefore, she had no report.

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At this time, Mr. Kashwick informed he missed reporting that the MacBain Farm Sub-Committee for the contract did meet and they came up with some ideas that they will be working through.

4. OLD BUSINESS

Mayor Heymann commented that as of this weekend we will be finalizing the 300th Anniversary with a possible exception of the Fire Department Parade in October. She informed that everyone was active in participating and we literally had hundreds of volunteers. It is a terrific credit to Closter and shows what the community is really made of. We've had excellent attendance at virtually all of the functions and she believes many people came away feeling very proud of their community. She wanted to thank all of the volunteers and noted she would thank people further in the future due to time restrictions. She further informed the reception was held this past Sunday to thank all of the volunteers.

Mayor Heymann continued that we just approved as part of our Council functions, rescheduling of the Little League Parade which will take place at 11:40 a.m. this Saturday. She hopes everyone gets a chance to see it and participate in it and noted she was aware that at least one or two Council members would be participating. The ball field will be active after that; and it is certainly worthwhile to cheer on those kids. In response to the Borough Clerk's inquiry, Mayor Heymann said will throw out the first ball and has had her grand daughter coaching her. Councilman Glidden said he would be the catcher.

5. NEW BUSINESS

At this time, Mr. Rogan informed he wished to discuss an item that is both old and new business regarding the Belskie (Foundation) Board of Trustees; which is the museum attached to the library. They have requested the Mayor and Council come to a determination on the issue of their Board membership; and it should be discussed as it is a policy decision for the Council to make. Mr. Rogan informed that in the interest of full disclosure, he is a member of the Belskie Board; however, he is not appointed by the Borough; he is appointed by the Lions Club. Mr. Rogan explained that the Board is a quasi-municipal board, which means it is not like the Planning or Zoning Board where the Mayor and Council appoint all of the members; rather the Mayor and Council appoints two members; the Library appoints one member; and the Lions Club appoints one member. The By-Laws of the Belskie Board call for 3 year terms for all of their members. Historically, at least for the past several years the Borough has been appointing annually. The Board would like to know where we are going with this because their records are different from the Borough's records. His office has researched Statutes on the matter; and it really comes down to a policy decision. There is no prohibition of the Mayor and Council making a one-year, two-year or three-year term. The Belskie Board is requesting that the Mayor and Council defer to it so all of their members are on three year terms. The flip side of that is sometimes the Mayor and Councils like to have control each year over who a member of a particular board is; but typically those are political boards and this is a non-political board, which is probably the reason that at some point along the way, the Council just carried it on its annual Reorganization Meeting and made the appointments annually. It is disturbing the members on

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the Belskie Board so they have asked that it be brought up. Mr. Rogan voiced his opinion that it is a good faith difference because the Belskie has its own By-Laws and the Mayor and Council just carried it on its Annual Agenda for Reorganization. He informed that no action needed to be taken this evening; he wanted to bring it to the attention of the Mayor and Council so that we could at least get some decision made going forward.

In response to the Mayor's question, Mr. Rogan clarified that it does not require an Ordinance; just a Resolution. It is really a matter of policy more than anything else. Mrs. Amitai questioned the number of members on the Board and asked how often they meet and if the Council receives minutes of those meetings. Mr. Rogan responded that there were 5 members that meet quarterly but no minutes are provided as it is a private group. The way it was set up is that the Belskie Museum was built by the Lions Club, but it is part of and attached to the Library. The way the organization was set up is that they wanted community involvement so they asked the Council to appoint two members. In response to Mr. Glidden's question, he explained the Belskie does not own anything, but they built the building on Borough property; the Borough only covers their insurance. No Library funds are expended on the Belskie Museum. They are a separate organization, have their own budget and raise their own funds.

Mayor Heymann asked that if the Council is in accord with matching up their Board members, when we go out of the Work Session, you can propose a Resolution that can be finalized by the Borough Attorney. In response to Dr. Barad, Mr. Rogan clarified that we have been making both appointments annually as opposed to alternating years. Mr. Kashwick asked to defer the issue before authorizing a Resolution. Mr. Rogan advised he will obtain a list of current members and a copy of the By-Laws for the next meeting.

At this time, Mayor Heymann proposed two items for Closed Session regarding personnel and property.

At this time, the Borough Engineer informed he had a matter to bring up regarding the work session. Mr. DeNicola reminded of the Safe Streets to School Sidewalk Project which is planned for Harrington Avenue, Storig Avenue and Cedar Lane; he will be submitting the plans to the NJDOT for approval. The plans are basically what were represented in the application with the exception of one issue: there are no curbs along Harrington Avenue for two reasons. Harrington Avenue is a relatively flat road and the properties behind Harrington Avenue are flat. The curb would block the water and cause ponding on the road in some locations as well as on the properties. In an effort to alleviate that situation, they are eliminating the part of the proposal to construct curbs on Harrington Avenue. He will submit the plans to the NJDOT which will likely be a 30-60 day process for this Federal funding. Mr. DeNicola explained the proposed project is on Harrington Avenue from the south side of Tenakill School all the way to Robinhood Avenue, and on Cedar Lane between Storig Avenue and Harrington Avenue, and on Storig Avenue it will be on one side of the road depending on where the utility poles and trees are. It is always one side of the road. This is wholly FWHI funds. In response to Dr. Barad, he clarified that we will not be placing curbs on Harrington Avenue; but we will on Cedar Lane and Storig Avenue because of the grade.

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

No one wished to be heard.

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7. OPEN MEETING TO THE PUBLIC

No one wished to be heard.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wishing to be heard, Mayor Heymann asked for a motion to adjourn the meeting and return to the Regular Meeting.

9. ADJOURNMENT

Motion to adjourn the Work Session at 9:12 p.m. was made by Councilman John Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and
Council on May 6, 2010
for approval at the Regular Meeting
to be held May 12, 2010

Loretta Castano, RMC
Borough Clerk

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

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