

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JANUARY 27, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, January 27, 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,  
Arthur Dolson and Victoria Amitai (7:35 p.m.)

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

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)

Mayor Heymann opened the meeting to the public.

Kyle Dennerlein, 7 Wilson Place, questioned the process of accounting for the funds taken in by Borough departments. Borough Administrator explained the process whereby monies taken in are deposited in individual department accounts and certain department expenditures are charged to that account. The bills are processed by the Finance Office for payment. Mr. Dennerlein questioned the time line for bids for uniforms for the Spring and Summer Recreation programs. Borough Administrator advised that Jim Oettinger has not approached him on this matter.

Jack Kelly, 132 Herbert Avenue, referred to the last Audit report that included a recommendation by the Borough Auditor that all of the accounts be made public and available. Borough Administrator advised that the accounts are included in the Annual Audit; and Mayor Heymann advised that same is available to the public.

Diane Smith, 114 Closter Dock Road, asked if garbage pickup would be privatized. Mayor Heymann explained that every few years it is incumbent upon us to investigate any means to lower costs to the Borough. Ms. Smith expressed her opinion of privatization which, if chosen, could in the future bring about an increase in rates upon renegotiation of the contract. She referred to the present pick up schedule and questioned what effect privatization would have on holiday pick up inasmuch as other towns with private garbage companies lose their pick up for a holiday and must wait for the next pick up day. She expressed support for the current personnel and the great job they do.

Mark and Nora Voto, 551 Closter Dock Road, said that their home was purchased on a short sale from the contractor and we were aware that the remaining work must be done by us after a change in permits. A list of items to be completed was provided at closing; but after same, we were advised that sidewalks must be installed if a waiver for the installation was not received. A waiver is being requested because we were unaware of the necessity to install the sidewalks, because of the expense and to conform with the neighboring properties that do not have sidewalks. Pictures of the area were provided for review by the Mayor and Council. Borough Engineer advised that Borough Code provided that sidewalks and curbs must be installed on new construction sites. The Mayor and Council has the authority to waive that requirement if the appeal is timely filed. From a safety standpoint a County Road such as Closter Dock Road should have sidewalks and curbs. Councilman Barad said that the buyer's attorney did not do his job at closing and the seller failed to advise the buyer of the sidewalk requirement. Borough

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Attorney advised that the governing body may grant the waiver for the installation but the funds to install the sidewalks is placed in a fund to provide sidewalks in the future if necessary. Mayor Heymann said that the fee is equivalent to the cost of sidewalk installation; and waivers are approved for dead end or rural streets. The Borough is eager to have sidewalks installed on streets such as Closter Dock Road. The waiver would not save any money for the property owner. She proposed that the Council investigate that particular block and prepare to continue the discussion in two weeks. In answer to Councilwoman Amitai, Borough Engineer said that the right of way is wide at that point; and he would recommend sidewalks on both sides of the roadway from a safety standpoint.

Jack Kelly, 132 Herbert Avenue, questioned the setback for the sidewalks; and Borough Engineer advised that it would be 7 feet to the back of the sidewalk but could be pushed back to 6 feet. Due to the slope in the area, a small retaining wall would be needed. The improvement goes with the property and the requirement for sidewalk and curb installation. The homeowner would contact the County Engineer for the location and installation of the sidewalk and curbing. The retaining wall would be minimal at the driveway and at the eastern end of the property, he would estimate 3 feet high and a fence would be needed if the above ground height is greater than 30 inches.

Diane Smith, 114 Closter Dock Road, questioned the responsibility of the builder to install the sidewalks and curbs. Borough Attorney said that they did not purchase a completed house and they may have recourse.

Mark Voto, 551 Closter Dock Road, said that a final certificate of occupancy cannot be obtained until this issue is resolved; and if not received by February 20<sup>th</sup>, bank penalties would be imposed.

Hugh Johnson, 107 Demarest Avenue, questioned how many children walk to school; and Mayor Heymann said that the issue is the Borough Ordinance requiring the installation of sidewalks and curbs.

Motion was made by Councilman Barad and seconded by Councilman Kashwick to deny the request for waiver.

ROLL CALL VOTE:	Mr. Glidden – No	Dr. Barad - Yes
	Mrs. Latner – No	Mr. Dolson - Abstain
DENIED: 3-2	Mr. Kashwick - Yes	Mrs. Amitai - No

It was recommended by the Borough Attorney that since this matter was not on the Agenda, and further investigation would be made in the interim, that this matter be placed on the Agenda for the Regular Meeting to be held February 10, 2010.

Hugh Johnson, 107 Demarest Avenue, commented that the morale at the Department of Public Works is low. He referred to the \$750,000 to be spent by the Borough for wetlands; and he doubted that the Borough would get any money for same from the State or County.

Steve Isaacson, 97 Columbus Avenue, questioned if the Flamm test borings have been received and if the County can repave Closter Dock Road and Durie Avenue. Mayor Heymann advised that the second set of borings have not been received; and Borough Engineer advised that Harrington Avenue and a portion of Closter Dock Road would be resurfaced by the County. Mr. Isaacson questioned a grant to plant trees and referred to trees that were cut down at the BP gas station. Councilman Kashwick said that it is planned to plant more trees. Mr. Isaacson referred to the garbage discussion and felt that privatization is not the way to go and expressed support for sharing services with neighboring communities.

Hugh Johnson, 107 Demarest Avenue, said that the Borough would have no control with privatization.

5. COMMUNICATIONS

a. MAIL LIST – JANUARY 14, 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.

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The following items were removed by the following individuals: Steve Isaacson, 97 Columbus Avenue, removed Item No. 2.

Item No. 2 – Received 01/8/10, dated 01/5/10 from Dennis Contois for Valda Opara, Project Manager, New Jersey Department of Environmental Protection, Division of Land Use Regulations c: Construction Official, Municipal Clerk re LURP Permit Application for Project Location – Lot No. 2 of Block No. 611, 130 Durie Avenue, for permission to remove 9 trees within the 300' riparian zone of Charlies Creek re construction of single family dwelling.

Steve Isaacson, 97 Columbus Avenue, noted that the Environmental Commission has not seen plans for this development; and expressed concern about the removal of 9 trees within the riparian buffer zone. Borough Engineer said that the property had been the subject of a subdivision 4 years ago, which was denied by the Planning Board for environmental reasons and that DEP and Borough approval would be needed for the removal of the trees. Borough Administrator advised that the permit has been issued by DEP for the removal of the 9 trees in connection with the construction of a single family home, garage, pool, concrete patio, concrete seepage pit and driveway after the removal of an existing dwelling. Borough Engineer said they would not have to appear before the Planning Board unless a variance was needed but would have to go before the Environmental and Shade Tree Commissions. Mayor Heymann said that she would speak to the Building Department on this matter.

b. MAIL LIST – JANUARY 21, 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 Glidden removed Item No. 4. Steve Isaacson, 97 Columbus Avenue, removed Item No. 8. Jack Kelly, 132 Herbert Avenue, removed Item No. 12.

Item No. 8 – Received 01/19/10, dated 01/15/10 from James Barresi, Assistant Director/State Forester, NJDEP, Division of Parks and Forestry, NJ Forest Service, to John Kashwick, c: Mayor Heymann re Notification that the Borough of Closter has been awarded a 2009 Business Stimulus Fund (BSF) in the amount of \$7,000 and request to enter into a grant agreement with the State and complete and submit enclosed business selection form within 30 days of receipt.

Steve Isaacson, 97 Columbus Avenue, asked what the grant would be used for. Councilman Kashwick said the funds were from the Federal Stimulus monies allocated to the State of New Jersey to be used for forestry projects. The Borough is required to hire a contractor.

Item No. 4 - Received 01/15/10, dated 01/11/10 from Wallace Nowosielecki, Treasurer, Chief Financial Officer, Bergen County Utilities Authority (BCUA) to Loretta Castano re Notification of Adoption of BCUA 2010 Sewerage Service Charges on 12/10/02 and 2010 sewer service charges fee of \$767,833.93; copy of invoice and Flow and User Charge Report for Borough of Closter, (Copy of letter & ORIGINAL BILL to Administrator on 1/15/10).

In answer to Councilman Glidden, Borough Administrator advised that there is an increase of \$84,000 over 2009 charges. Each town has a different charge; and it is based on the amount of flow and solids charge; and we have asked the County to review the fee. Councilman Glidden said that every few years we review the inflow for leakage from rainwater; and Borough Administrator said that unless there is a major infiltration, it may cost more to fix the problem than you would save. The annual flow has increased each year and he would provide a more detailed breakdown of the charges.

Jack Kelly 132 Herbert Avenue, said that during the last rainstorm, water was going down the manhole on Westminster Avenue and Borough Engineer said he would advise the Superintendent of Public Works.

Item No. 12. – Received 01/21/10 dated 01/21/10 from Valerie Coniglio, Clerk, Board of Chosen Freeholders, Bergen County, New Jersey re Resolution adopted 1/20/2010, requesting that every resident in Bergen County display an American flag at half staff on Saturday, 1/23/2010, in honor of Sgt. Christopher Hrbek.

Jack Kelly, 132 Herbert Avenue, said that the young man was on his 4<sup>th</sup> tour of duty when he was killed.

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Hugh Johnson, 107 Demarest Avenue, said that the town was represented by the Fire Department and the Police Department and he described the services that took place on Thursday and Saturday in Westwood. He said that Sgt. Hrbek had gone to Afghanistan and two days before he was killed, he received a bronze star for saving a fellow soldier's life.

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.

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

8.\* BILL RESOLUTION – JANUARY 31, 2010  
TO BE PREPARED BY DEPUTY TREASURER

9.\* POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE  
REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10)  
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)

10.\* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a – Commodity/Service: Police Supplies; Vendor: LAWMEN SUPPLY CO., NJ, INC., 5521 WHITEHORSE PIKE, EGG HARBOR CITY, NJ 08215; State Contract #A73992; Max. Amt. \$7,000 (Received from Administrator 1/19/2010)

11.\* RESOLUTION FOR THE BOROUGH OF CLOSTER'S APPROVAL OF PLANS AND SPECIFICATIONS FOR THE PROJECT KNOWN AS IMPROVEMENTS TO WEST STREET, SECTION 5 (Received from Administrator 1/19/10)

12.\* RESOLUTION AUTHORIZING BOSWELL McCLAVE ENGINEERING TO BID THE PROJECT FOR IMPROVEMENTS TO WEST STREET SECTION 5 (\$195,000 Grant received to mill and resurface West Street from Old Closter Dock Road south to High Street) (Received from Administrator 1/19/10)

13.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$10,935.99 TO FLEYSHER, ZOYA, FOR BLOCK 612 LOT 4 DUE TO 2009 REAL ESTATE TAX OVERPAYMENT (Received from Tax Collector 1/14/10)

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

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15.\* RESOLUTION APPROVING LIST OF 37 MEMBERS SUBMITTED BY THE PRESIDENT OF CLOSTER VOLUNTEER FIRE DEPARTMENT FOR 2009 LOSAP CONTRIBUTIONS AND AUTHORIZING THE TREASURER TO MAKE THE CONTRIBUTION ON BEHALF OF THE DEPARTMENT (Requested by Administrator 1/22/10) - TO BE PREPARED BY ADMINISTRATOR

16.\* RESOLUTION APPROVING LIST OF \_\_\_ MEMBERS SUBMITTED BY PRESIDENT OF THE CLOSTER VOLUNTEER AMBULANCE AND RESCUE CORPS FOR 2009 LOSAP CONTRIBUTIONS AND AUTHORIZING TREASURER TO MAKE THE CONTRIBUTION ON BEHALF OF THE CORPS (Requested by Administrator 1/22/10) TO BE PREPARED BY ADMINISTRATOR Remove QW Mayor informed

16a.\* TRANSFER RESOLUTION NO. 4 (Received from Administrator 1/26/10)

MOTIONS

17.\* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:  
 (Distributed 1/21/10) NO ABSTENTIONS:  
 a. REGULAR MEETING OF JANUARY 13, 2010  
 b. WORK SESSION OF JANUARY 13, 2010

~~18.\*~~ MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
*ENVIRONMENTAL COMMISSION Associate Member	<u>Bobbi Bouton-Goldberg</u>	1 Year	12/31/10
BOARD OF ETHICS (R) Member/Environmental Commission (Dolson)	_____	5 Year unexpired to	12/31/11
IMPROVEMENT COMMISSION Associate Member	_____	2 Year	12/31/11

\*Mayoral appointment

19.\* MOTION GRANTING APPROVAL FOR CLOSTER ELKS #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624, TO CONDUCT INSTANT RAFFLES AT 148 RAILROAD AVENUE FROM 3/1/10 TO 3/1/11 AS FOLLOWS: EVERY MONDAY THROUGH FRIDAY FROM 3 P.M. TO 12 A.M.; EVERY SATURDAY FROM 12 A.M. TO 2 A.M. AND 12 P.M. TO 12 A.M.; EVERY SUNDAY FROM 12 A.M. TO 2 A.M AND 12 P.M. TO 10 P.M. (Application and fees received 1/21/10)

20\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:  
 a. None received at the 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. 9 and 16. Jack Kelly, 132 Herbert Avenue removed Item No. 18.

7b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 9, 16 and 18 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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21. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

18. MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
*ENVIRONMENTAL COMMISSION			
Associate Member	<u>Bobbi Bouton-Goldberg</u>	1 Year	12/31/10
BOARD OF ETHICS			
(R) Member/Environmental Commission (Dolson)	_____	5 Year unexpired to	12/31/11
IMPROVEMENT COMMISSION			
Associate Member	_____	2 Year	12/31/11
*Mayoral appointment			

Jack Kelly, 132 Herbert Avenue, questioned if Arthur Dolson is still a member of the Ethics Committee; and Mayor Heymann said that he was no longer a member and that is the vacancy to be filled.

Hugh Johnson, 107 Demarest Avenue, commented that it would have been nice to have a quorum at the Ethics Committee meeting two weeks ago. Mayor Heymann said that proper procedures have to be followed and receive recommendation from the Commissions.

Steve Isaacson, 97 Columbus Avenue, asked for the meaning of (R) Member/Environmental Commission (Dolson) under Board of Ethics and Borough Attorney said that it is a member to replace Arthur Dolson who had been recommended by the Environmental Commission.

A motion accepting Item No. 18 was not needed since the appointment to the Environmental Commission is a Mayoral appointment not needing Council confirmation.

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

Mark Voto, 551 Closter Dock Road, said to do the sidewalk and retaining wall will cost a large sum of money; and if the waiver is not granted in two weeks, would it be possible to make an arrangement with the town that would give us five years to install the sidewalks with a penalty if the sidewalks are not installed within the five years and until installation, or could the town supplement the funding if the waiver is granted. Mayor Heymann said that the Council with the advice of the Borough Attorney would take these ideas under consideration; and the matter would be taken up as an agenda item in two weeks.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 8:40 p.m.

Motion to recess the Regular Meeting at 8:40 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:04 p.m.

22a. Motion approving the following resolution at 9:05 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)5, “a matter involving the expenditure of public funds for the acquisition of real property; N.J.S.A. 10:4-12 (b)(7), “Pending or anticipated litigation or contract negotiations”; and N.J.S.A. 10:4-12(b)(8), “A matter involving public employees; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the litigation and matters which should be within 2 weeks.

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

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

The recording machine was not turned on at this point in time; and the minutes reflect the Clerk's notes only for the following items:

23a. RESOLUTION AUTHORIZING BOSWELL McCLAVE ENGINEERING TO PERFORM ADDITIONAL ENVIRONMENTAL SITE INVESTIGATIONS FOR THE FLAMM PROPERTY LOCATED AT 37 HOMANS AVENUE.

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, Latner, Kashwick, Barad, Dolson and Amitai.

23b. Borough Attorney explained the reason for this request and asked for Governing Body approval to request withdrawal of the Complaint re Borough of Closter v. Director of the Division of Taxation contesting the calculation of the Borough's Ratio.

Motion of approval was made by Councilman Barad, seconded by Councilman Kashwick with the proviso that the wording outline the Borough's dismay at the manner in which it was conducted. Said motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

At this time Borough Administrator explained that there was an item on the Work Session Agenda under 5., "NEW BUSINESS", a. "REVIEW OF CLERK'S SURVEY RE MEETINGS (requested by Administrator/1/20/10)" which had not been discussed. He explained that Loretta had conducted a survey of neighboring municipalities re meeting organization and asked her to explain. Borough Clerk described the practices of past Councils and explained that there are a variety of procedures that can be employed for the conduct of meetings. She encouraged Council discussion with her and the Borough Administrator in an attempt to consider different formats for the Work Sessions and Regular Meetings.

The recording of the meeting resumed at this time.

24. ADJOURN

Motion to adjourn the Regular Meeting at 10:20 p.m. was made by Councilman Glidden, seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on  
February 4, 2010 for approval at  
the Regular Meeting to be held  
February 10, 2010

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held February 10, 2010  
Consent Agenda Item No. 27a.

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WORK SESSION NOTES – JANUARY 27, 2010 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:46 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 – Councilman Dolson explained that the majority have seen that the website is up and working and continues to improve daily. It is much more easily accessible and all of the links work.

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

a. As Liaison to the Zoning Board of Adjustment, he attended the Reorganization Meeting. He noted in their packet there was a Resolution that was passed and they are in the process of hearing more applications. He believes they have a very weighty task ahead of them. There are use variances they are considering; and the residential areas are getting businesses moving in. He feels they need a lot of guidance.

b. The Board of Health had their Reorganization meeting last week; and one of their main concerns is that there are a lot of new businesses in town subject to the regulations of the Board of Health. The owners are either absent and don't speak English; and they are having a lot of trouble enforcing and/or having them cooperate. The Board will seek legal advice on how to communicate with these new tenants. They seem to have multi-use applications within their premises. A lot of these go beyond cosmetics; and they are considering updating their code to comply with some of these newer procedures that are coming along and they have received some suggestions from the State.

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c. Regarding Finance, they are almost done compiling all of the data from last year; and as soon as the preliminary cash basis financial statements are completed, they will have their first Finance Committee meeting and start working on the Municipal Budget. He believes it is an expansion to the deadline by introducing the budget this year by March 31. He hopes we will not have to use it, but we will come close to it.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden explained he had no report but advised he had a Closed Session matter regarding Public Safety.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported that she met with Billy Dahle on January 13; and he took her around and tried to familiarize her with the facilities. She advised she had nothing specific to report at this time but she will be meeting with the DPW Committee members next week.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported that the Ordinance and Legislative Committee will meet on 2/2/10. They circulated the Agenda which is fairly lengthy. It was circulated as an e-mail PDF so they were able to save a ream of paper, which is environmentally friendly. We look forward to getting the work done.

1) REPORT – Councilman Barad had nothing further to report.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported that the Human Resources Committee met last week via conference call. The Performance Appraisal forms for the upcoming year and staffing issues were discussed.

2) REPORT – Councilman Kashwick reported on the following:

a. Shade Tree Commission - As mentioned earlier, we just received a \$7,000 grant for the planting of trees at the Closter Dock Road and Piermont Road intersection. We are going to try to dovetail that with the Arbor Day celebration and 300<sup>th</sup> anniversary this year. Hopefully we can get it in around that time. It would require the removal of 5 dying trees on 3 lots of land. The first lot is the large one adjacent to the Sunoco station. Diagonally across from where the “Welcome to Closter, Settled in 1710” sign is, they are going to replace the 2 trees that are there. They are also going to plant some trees around the bus stop; and that should look very nice once it is completed. They are in the process of working on their annual accomplishment report which is due 2/15/10.

b. Environmental Commission – Last week they had the first meeting held by Chair Beth Ravit. They need to begin working on the MacBain Farm Contract. Mr. Kashwick asked for direction from the Borough Attorney. A small group of them walked the Cross Closter Trail on Saturday and took notes as to what sort of repairs and maintenance needs to be done. The Demarest Nature Center asked Closter to participate in Cresskill’s Earth Day Fair to promote the trail. This is in order to give the residents of Cresskill an indication of what we’re doing and; hopefully, they will want to connect with us to continue the trail a little bit further

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south. Mayor Heymann voiced her feeling that this was a good idea. They are also meeting with the Demarest Nature Center to try to get the signage consistent since they are basically a continuation of one another to make sure the start and end signs are marked so everyone knows where they are going. The Commission is also considering another round of landmark trees to celebrate the 300<sup>th</sup> anniversary.

c. Historic Preservation Commission – Doug Radick stepped down as the Chairman of the Commission. Irene Stella is the new Chairperson; and Jennifer Rothschild is the Vice Chair. They recently had some work done on the cemetery. A few sassafras trees were removed. They are also working on some new designations for the upcoming year; and though it is still up in the air, they are considering the Railroad Station, Borough Hall and other lots throughout town.

Mayor Heymann announced that Jennifer (Rothschild), Bobbi (Bouton-Goldberg) from the Historic Preservation and she went to the meeting at Newark Town Hall on Visioning Historic Preservation, which is one of the mandates in the State. She explained that it was a very interesting meeting and wanted to impress upon the fact that Newark Town Hall is unbelievable. It was designed in the first decade of the 20th century. It has a majestic marble stairwell, and the ceilings are about 40 feet high with a balcony. She cannot express how ornate it is; but she personally feels the Senate and Assembly in Trenton would take second place to it.

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

1) REPORT – Councilwoman Amitai reported as follows:

a. Building Department - She has not yet scheduled a meeting of the Building Department but they need to meet soon as they have some important things they need to discuss. The office seems to be going along nicely. She has been in touch with Paul (Demarest) and Lenny (Sinowitz) and has not spoken at length to Rose (Mitchell). Ms. Amitai conjectured that all the boxes in the Council Chambers were to create additional space for the Land Use office.

b. Improvement Commission – They are thinking about a public relations campaign. They want to try to form some kind of Chamber of Commerce, which has always been difficult in years past; but they are revisiting that idea. In addition, they want to think about trying to reach out to the building owners in the Renaissance District. With the Historic District being recently designated, they think this might be a good time to do that. They will put together a letter starting the process; and she hopes to have more on that in the very near future. Everyone on the Board took the Oath of Office at the last meeting and they are all working on sending those in as well as their Financial Disclosure Statements. The members do have a question as to what is being done with the sign board in front of Borough Hall, since they are no longer taking care of it. Mayor Heymann responded that the Senior Citizens still feel possessive of it; but she will speak to them once more and see if it can't either be refurbished or eliminated. Ms. Amitai reported that they have a wonderful new member, Christiano Pereira, and he is a LEEDS certified architect. He has volunteered his services to help with whatever LEEDS type of mechanisms we can employ in the Borough. She understands they are doing things as things move along to do that as well; and she asked Mr. Kashwick if she could put Mr. Pereira in touch with him to discuss the solar panels. She does not know where we stand on the Hillside School

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solar panels; and there are a couple of issues he would be happy to get involved in. They are really happy to have him.

4. OLD BUSINESS
5. NEW BUSINESS
  - a. REVIEW OF CLERK’S SURVEY RE MEETINGS (Requested by Administrator 1/20/10)  
(Survey results distributed to Mayor and Council on 1/22/10) – This item was discussed upon return to the Regular Meeting.
6. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
7. OPEN MEETING TO THE PUBLIC

Mayor Heymann opened the meeting to the public.

Jack Kelly, 132 Herbert Avenue, asked Councilman Dolson about Mr. Armaniaco’s application with the Zoning Board of Adjustment. He asked if Mr. Dolson was aware of the cost for this man to go through this application; and Mr. Dolson explained that from the information he has seen, he is aware it seems to be extensive. Mr. Kelly pointed out that at one meeting, of many, many meetings on this application, Mr. (Joe) Bianco said to Mr. Armaniaco that he did not want anything extreme, just a sketch of what he was about to do. He feels that has been exaggerated beyond all of his imagination; and his concern is that Mr. Armaniaco will be bankrupt before this application is decided. At this time, Mayor Heymann voiced her understanding that this application was currently pending in front of the Board; Borough Attorney, Edward Rogan advised that it was and, therefore, they are unable to discuss this issue at all. Mr. Kelly changed the subject to the appointment of officials on the Zoning Board. He mentioned they appointed the Vice Chair, who he has rarely ever seen at a meeting. And after he was reappointed Vice Chair, he got up and left the meeting. Mr. Kelly asked for an explanation of what was going on. Mayor Heymann responded that she was not present so she is not able to answer that. Mr. Dolson explained that Mr. (Lorin) Sonenshine left because he was recused as he had not attended any hearings for the application that was being heard. He then advised Mr. Kelly that he does not answer for the gentleman or the Board as he is just the Liaison.

Hugh Johnson, 106 Demarest Avenue asked Mr. Rogan if he had any further information on Whole Foods; if it was still in abeyance. Mr. Rogan explained that it is pending; discovery is proceeding and there is nothing to report on that.

Mr. Johnson continued that around Christmas, the sign at the Closter (Plaza) said “aza” and they put the wreath up, but where they put the wreath up there was no lights up. He expressed that this was embarrassing. He also got a hold of Youngmin Woo (Property Maintenance Officer) again regarding the manhole that was temporarily fixed. He has a vehicle that could probably fit in it

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by now; and he feels they should probably check it.

Mr. Johnson mentioned that Joe Miele contributed a container to store the records. He asked why it was necessary to have them moved to Oakland instead of locally. Mayor Heymann responded that she did not follow what he was saying. Mr. Johnson stated that it cost \$36,000 to bring the records to Oakland and back. The Mayor explained that it did not cost the Borough anything to bring the records back. He said it took \$36,000 overall; and he has the papers to prove it. Mayor Heymann advised that is why we took them back; we were not going to continue to spend that kind of money. Mr. Johnson asked why they could not be stored locally. Dr. Barad stated that was what we were trying to do. Mayor Heymann explained that it was not our decision; this Council had nothing to do with it; it was previous arrangements over a period of time with several previous Administrators who spent a considerable amount of money. This particular Council decided to bring the information back to Closter where it is now properly stored.

Mr. Johnson continued on that he noticed the brand new rose bushes outside of Borough Hall had been dwarfed, heavily pruned and not properly cared for. Mayor Heymann insisted they have been handled appropriately. In response to his inquiry as to the next date of the 300<sup>th</sup> Anniversary, Mayor Heymann informed him it will take place on 2/4/10 at 7:00 p.m. in the Council Chambers. In response to his question as to which sign the Senior Citizens were maintaining, she clarified it was the sign to the west of Borough Hall. The Mayor informed him that they plan to re-do the walls in this room; and the plaques etc. will be taken care of at that time.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
9. ADJOURNMENT

Motion to adjourn the Work Session was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann at 9:04 p.m.

Provided to the Mayor and  
Council on February 4, 2010  
for approval at the Regular Meeting  
to be held February 10, 2010

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held February 10, 2010  
Consent Agenda Item No. 27b.