

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MAY 11, 2011 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:55 p.m.

1. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to The Record and published on January 9, 2011 and to the Press Journal and published on January 13, 2011, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

2. ROLL CALL

Those present were the following:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,  
Arthur 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

Also present in the audience were: Robert DiDio, Planning Board Member

3. PROCLAMATIONS, PRESENTATIONS, MOMENTS OF SILENCE

a. NOTIFICATION OF BLOOD DRIVE, IN MEMORY OF PHIL ADDISON, SPONSORED BY CLOSTER VOLUNTEER AMBULANCE CORPS AND CLOSTER LIONS CLUB, TO BE HELD SUNDAY, 5/22/11, FROM 2 P.M. TO 6 PM. AT THE AMBULANCE CORPS BUILDING, 72 RUCKMAN ROAD (10. M.L. 5/5/11)

Mayor Heymann announced the above Blood Drive is in memory of Phil Addison.

4. ADOPTION OF THE 2011 MUNICIPAL BUDGET AND RELATED RESOLUTIONS @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The Municipal Budget was introduced at the Regular Meeting held 3/23/11; and the Municipal Budget Summary was published in the Press Journal issue of 3/31/11, as stated in the printer's affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board in accordance with statutory requirements, was posted on the Municipal Web Site pursuant to N.J.S.A. 40A:4-10; and copies have been made available to the general public. On 3/30/11, the Borough Clerk hand delivered a copy of the Municipal Budget to the Library Director, in accordance with N.J.S.A. 40A:4-8, for public inspection.

The Public Hearing on the Municipal Budget was held at the Regular Meeting of 4/26/11.

5. INTRODUCTION OF AMENDMENT TO 2011 MUNICIPAL BUDGET, AND RELATED RESOLUTIONS – PUBLIC HEARING DATE AND TIME TO BE ANNOUNCED  
(Requested by Administrator 5/5/11) ~~TO BE PREPARED BY AUDITOR~~  
(Received from Auditor 5/11/11) PUBLIC HEARING – 5/25/11 @8:00 P.M.

PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinance was introduced at the Regular Meeting held 4/13/11 and was published in The Record on 4/23/11 as stated in the Borough Clerk's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with Statutory requirements and copies have been made available to the general public:

a. ORDINANCE NO. 2011:1093, "ORDINANCE AUTHORIZING THE ONE-TIME

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WAIVER OF CODE SECTION 48-9 AND PAYMENT OF ONE MONTH OF COBRA COSTS FOR DISPATCHERS BEING LAID OFF DUE TO TRANSFER OF INTERBORO RESPONSIBILITIES TO THE COUNTY”

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

Motion approving adoption of Ordinance No. 2011:1093 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.

7. MAYORAL APPOINTMENTS TO THE PLANNING BOARD (TO BE PROVIDED BY MAYOR)  
(Requested by Mayor 5/4/11)

8a. VOTE ON CONSENT AGENDA ITEMS

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

ORDINANCES

9. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) - PUBLIC HEARING(S)–  
6/8/11, @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. ORDINANCE NO. 2011:1095, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$28,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Borough Attorney 5/3/11)

b. ORDINANCE NO. 2011:1096, “AN ORDINANCE TO DETERMINE THE BASE RATE, AMOUNT, SALARIES, WAGES, COMPENSATION AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER FOR THE YEARS 2011 AND 2012, OR AS OTHERWISE NOTED” (Requested by Administrator 5/5/11)

RESOLUTIONS

10. BILL RESOLUTION – MAY 15, 2011 .

~~11.~~—RESOLUTION URGING THE LEGISLATURE TO QUICKLY ENACT, AND THE GOVERNOR TO APPROVE, S-54 WHICH WOULD CHANGE RESTRICTIONS ON CERTAIN COUNTY OR MUNICIPAL STREAM CLEANING ACTIVITIES (4. M.L. 4/14/11)  
(Adjourned from RM 4/26/11)

~~12.~~—RESOLUTION AWARDED BID RECEIVED AT BID OPENING HELD 4/20/11 @ 11 A.M. FOR 2012 INTERNATIONAL MODEL 7500 4X4 CHASSIS WITH A HOOK LIFT & BODIES AS SPECIFIED OR EQUAL, FOR THE BOROUGH OF CLOSTER, TO SOLE AND LOW BIDDER, DELUXE INTERNATIONAL TRUCKS, INC. OF HACKENSACK, NJ, FOR THE BASE BID PLUS OPTIONS 2 & 3, IN THE AMOUNT OF \$229,615.00  
(Received from Administrator 4/21/11) (Adjourned from RM 4/26/11)

~~13.~~—*POSSIBLE* RESOLUTION AWARDED CONTRACT TO \_\_\_\_\_ FOR PROFESSIONAL PLANNER – MASTER PLAN, RECEIVED AT OPENING HELD 3/30/11 @ 1:30 P.M. - TO BE PREPARED BY BOROUGH ATTORNEY (Adjourned from RM 4/26/11)

~~14.~~—RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE AMENDMENT (allowing placement of pad and cabinet within existing lease area of cell tower site)  
(Received from Administrator 2/2/11/Adjourned from RM 2/9/11; RM 2/23/11; RM 3/9/11; 3/23/11; 4/13/11; 4/26/11)

15. RESOLUTION AUTHORIZING RELEASE OF REMAINING ESCROW FUNDS IN THE AMOUNT

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OF \$343.50 TO CONWAY WONG FOR SATISFACTORY COMPLETION OF REQUIREMENTS OF CLOSTER CODE CHAPTER 108, ARTICLE II, ZERO INCREASE IN STORM WATER RUNOFF, FOR BLOCK 2101 LOT 4, 382 RUCKMAN ROAD (Received from Deputy Treasurer 5/2/11)

- 16. *POSSIBLE* RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2010: RAY JO HOMES & ESTATES, LLC V. CLOSTER (Received from Borough Attorney 5/3/11)
- 17. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12A (Received from Administrator 5/4/11)
- 18. RESOLUTION AUTHORIZING DEPUTY TREASURER TO TRANSFER FUNDS TO THE BOROUGH'S CURRENT TREASURY ACCOUNT FROM OUTSTANDING CHECKS LISTED DUE TO EXTENDED PERIOD OF TIME AND EXHAUSTION OF ALTERNATIVES IN CONTACTING THE RESPECTIVE PAYEES: CHECK NO. AND AMOUNT AS FOLLOWS: #19112 - \$34.95; #19454 - \$190.00; #20493 - \$697.50; #21896 - \$280.00; #23163 - \$85.00. (Received from Deputy Treasurer 5/3/11)

18a. RESOLUTION APPROVING EAGLE SCOUT PROJECT AT AURYANSEN CEMETERY

Councilman Kashwick noted that the Borough does not own the Cemetery property as stated in this Resolution. Borough Attorney noted that the area to be improved was the right-of-way adjacent to the Cemetery; and the Resolution would be adjusted to reflect same.

- 19. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 5/5/11) NO ABSTENTIONS
  - a. REGULAR MEETING OF APRIL 26, 2011
  - b. WORK SESSION OF APRIL 26, 2011

20. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING *NON-SALARIED* APPOINTMENTS MADE AT THE FOLLOWING MEETINGS (Which have not been accepted as of the time of preparation of this Agenda)

<u>OFFICE</u>	<u>MEETING</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION				
Member	Reorg 1/4/11	<u>Grace Kim Kook</u>	2 Year	12/31/12
Member			2 Years	12/31/12
Member	RM 2/23/11	<u>Christina Stratton</u>	2 Years	12/31/12

- 21. MOTION GRANTING APPROVAL FOR AMERICAN DIABETES ASSOCIATION TO CONDUCT "TOUR DE CURE" (OF APPROXIMATELY 500 RIDERS) PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 6/5/11, FROM APPROXIMATELY 11 A.M. TO 3 P.M., FOLLOWING ROUTE PROVIDED (2 M.L. 3/10/11) Approval received from Risk Management Consultant 4/28/11
- 22. MOTION GRANTING APPROVAL FOR BOY SCOUT TROOP 63 TO CONDUCT ANNUAL YARD/GARAGE SALE IN THE MUNICIPAL PARKING LOT ON SATURDAY, 6/18/11, AND WAIVING FEE (6. M.L. 4/28/11) Approval received from Risk Management Consultant 4/28/11

Mayor Heymann noted that the approval should include the placement of a POD at the rear of the parking lot for 30 days. Therefore, the Motion was amended as follows:

MOTION GRANTING APPROVAL FOR BOY SCOUT TROOP 63 TO CONDUCT ANNUAL YARD/GARAGE ALE IN THE MUNICIPAL PARKING LOT ON SATURDAY, 6/18/11, AND WAIVING FEE (6. M.L. 4/28/11/Approval received from Risk Management Consultant 4/28/11); ALSO GRANTING APPROVAL FOR PLACEMENT OF STORAGE POD TEMPORARILY IN BACK CORNER OF PARKING LOT FOR APPROXIMATELY 30 DAYS BEFORE THE SALE FOR REMOVAL ON MONDAY 6/20/11 (1. M.L. 5/5/11)

- 23. MOTION APPROVING THE FOLLOWING APPLICATION AS NEW MEMBER OF THE

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KNICKERBOCKER HOOK AND LADDER COMPANY (Completed application received 5/6/11):  
MARK DANKIEWICZ

- 23a. MOTION GRANTING APPROVAL FOR TEMPLE BETH-EL TO USE SCHAUBLE PARK ON SUNDAY, 5/22/11, FROM 9:00 A.M. TO 11:30 A.M. FOR THE PURPOSE OF HOLDING THE END OF YEAR PROGRAM FOR THE RELIGIOUS SCHOOL (4. M.L. 5/12/11/distributed 5/11/11) (Approval received from Risk Management Consultant 5/11/11 @ 11 a.m.)
- 23b. MOTION GRANTING APPROVAL FOR THE CLOSTER ELKS LODGE 2304 AND AMERICAN LEGION, LEROY S. MEAD POST 111, TO ORGANIZE THE MEMORIAL DAY PARADE TO BE HELD MONDAY, 5/30/11; PARADE TO ASSEMBLE AT ST. MARY'S IN CLOSTER AT 10 A.M.; START TIME: 10:30 A.M. – PROCEEDING ON THE FOLLOWING NEWLY ESTABLISHED ROUTE: LEGION PLACE TO HIGH STREET TO DURIE AVENUE TO CLOSTR DOCK ROAD TO HARRINGTON AVENUE AND ENDING AT MEMORIAL FIELD
- 23c. MOTION GRANTING APPROVAL FOR JACK IN THE BOX, CLOSTER, TO USE THE MUNICIPAL BUILDING PARKING LOT PREMISES AT 295 CLOSTER DOCK ROAD AS THE SITE TO CONDUCT THEIR TRIKE A THON FUND RAISER TO BENEFIT ST. JUDE'S CHILDREN'S RESEARCH HOSPITAL, ON SATURDAY, 6/4/11, FROM 9 A.M. TO 11 A.M.; RAIN DATE: SUNDAY, 6/5/11, OR SATURDAY, 6/11(13. M.L. 5/12/11/Approval received from Risk Management Consultant 5/11/11)
24. REPORTS  
a. CONSTRUCTION OFFICIAL – APRIL 2011 (Received 5/3/11)  
a-b. FIRE CHIEF – APRIL 2011 (Received 5/5/11)
- 8b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA
11. RESOLUTION URGING THE LEGISLATURE TO QUICKLY ENACT, AND THE GOVERNOR TO APPROVE, S-54 WHICH WOULD CHANGE RESTRICTIONS ON CERTAIN COUNTY OR MUNICIPAL STREAM CLEANING ACTIVITIES (4. M.L. 4/14/11) (Adjourned from RM 4/26/11)

Councilman Kashwick referred to S-54 the intent of which would change restrictions on County and Municipal stream cleaning projects and noted that he referred the proposed legislation to the Chair of the Environmental Commission who has expressed opposition to same. In addition the New Jersey Sierra Club and the Hackensack Riverkeeper oppose the legislation as written. The legislation would take away C-1 Stream protections and these streams are either trout streams or flow into our drinking water. Making the streams move faster would theoretically reduce flooding; but Closter is down stream from Alpine; and, therefore, would be receiving the water much faster. The destruction of the riparian buffer would be encouraged and also increase the amount of silt in the stream.

Borough Engineer noted that municipalities would have easier access to stream cleaning permits at a lesser fee and the Department of Environmental Protection would be less restrictive. Mayor Heymann said the Borough cannot keep the streams free of debris because of the C-1 restrictions; and she recommended that no action be taken on the resolution because there are two sides to the legislation. Councilman Dolson asked if the legislation was approved, could the Borough initiate a permitting processing report; and Borough Attorney noted that same would be preempted by the Department of Environmental Protection.

Mrs. Amitai noted that living next to a stream, she did not want to see the water rushing any harder or faster than it does when we have a lot of water coming down from the mountain of Alpine. Borough Engineer explained it is a double edged sword in that when you de-s snag and take the settlement out, it won't run as high but it will run smoother, i.e. faster.

In response to Mr. Glidden's recommendation, it was agreed not to take any action on this matter.

25. 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.11)

Brenda Cummings, 72 Eckerson Avenue, questioned when the Sustainable Development Ordinance would be voted upon. Borough Attorney advised that the Planning Board had reviewed the ordinance; and their recommendations were forwarded to his office today. This matter would be on the next agenda.

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Jesse Rosenblum, 65 Knickerbocker Road, asked if the Borough was due for a mosquito program. Borough Engineer said that the program is conducted by the Bergen County Mosquito Commission at the request of the municipality. The Department of Public Works does the inspections.

26. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY

27. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:17 p.m. was made by Councilman Glidden, seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the Mayor and Council  
on May 19, 2011 for approval at the  
Regular Meeting to be held  
May 25, 2011

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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 May 25, 2011  
Consent Agenda Item No. 21a.

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BOROUGH OF CLOSTER

WORK SESSION NOTES – MAY 11, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, May 11, 2011. 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. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to The Record for publication on January 9, 2011 and The Press Journal for publication on January 13, 2011, posted on the Municipal Clerk's bulletin board and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

Those present were the following:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad (7:40 p.m.),  
Arthur Dolson and Victoria Amitai (7:42 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. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF APRIL 28, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No one wished to remove any items for discussion.

b. MAIL LIST OF MAY 5, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 1 was removed by Borough Clerk; Item No. 12 was removed by Councilman Kashwick; and Item No. 11 was removed by Councilman Glidden.

Item No. 1: Received 04/29/11, dated 04/25/11 from Edward Cappelluti, Boy Scout Troop 63 Committee Member re Request for approval to conduct annual yard/garage sale in the municipal parking lot on Saturday, 6/18/11 from 8 a.m. to 4 p.m. and asking that fee be waived; ALSO requesting permission to "park" a "storage pod" in a parking space in the back corner of the parking lot for 30 days before the sale, to be removed the Monday following the sale; Certificate of Insurance to be provided to the Borough Clerk (Copy to Zoning Officer, Glenn Parsells)

Ms. Castano explained Mr. Cappelluti's original request was for permission to utilize a portion

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in the parking lot for the yard sale which is on the Agenda tonight. He sent this additional request for approval to “park” a “storage pod”; and the Borough Clerk explained she is not clear who would approve this request – the Mayor and Council or the Zoning Officer. She said this if it was up to the Governing Body she could add it to the item already on the Agenda. The Borough Attorney advised the Mayor and Council could approve same because it was his understanding that it was only for a day. Ms. Castano clarified the request for is a month. Councilman Dolson informed he was contacted by the Boy Scouts who told him it was a receptacle to house the items to be sold because they have no appropriate space at any other location; and the “pod” would be placed in the back corner by the Senior Center. The Borough Clerk informed if the Governing Body approved, she would add this to the motion, Item No. 22; no one voiced disagreement with same.

Item No. 12: Received 05/02/11 from HPC Chair, dated 04/26/11 from Cynthia Forster, Chairwoman, Bergen County Historic Preservation Advisory Board, to Jennifer Rothschild, Closter Historic Preservation Commission re Notification that “300 Years of Closter’s History” has been selected to receive a 2011 Historic Preservation Commendation Award in the category *Preservation Education* at a ceremony to be held Thursday, 5/26/11 @ 7 p.m. at Hackensack’s *Historic Church on the Green*, 42 Court Street, Hackensack

Councilman Kashwick congratulated the Historic Preservation Commission, Mayor Heymann and the volunteers who participated in the 300 Years of Closter’s History celebration for receiving the 2011 Historic Preservation Commendation Award for same. Mayor Heymann congratulated all who participated and said she looks forward to attending this ceremony.

Item No. 11: Received 05/04/11 open from Mayor’s Office, dated 04/30/11 from Mr. And Mrs. Jerry Boyarsky, 102 Venus Drive re Historical Preservation Plan

Councilman Glidden asked the Mayor whether we would respond to this letter it as he feels it does deserve a response. Mayor Heymann said since the Mail List reaches many people who may not know the facts involved, she wanted to respond accordingly and invited the audience to continue that dialogue if they choose.

Dr. Barad entered the meeting at 7:40 p.m.

Mayor Heymann informed as follows:

“First of all I want to reiterate that the plan Jerry Boysarsky is criticizing in his letter is just that – a plan – nothing is in place at this time to implement it. Some proposals in Closter plans dating back to 1980 have not yet been implemented, and some probably will never be. Nevertheless, I would like to respond to the specific misconstructions or misapprehensions cited by Jerry.

The Historic Preservation Commission publicized each meeting and strongly encouraged residents to attend. The meetings were publicized on our web site, which also included an interactive means for providing comments. Clearly, it was appropriately publicized and some residents did come to listen and to testify.

Closter did not spend any money on this plan. It was subsidized entirely by a pass-through grant from the State of New Jersey, which is encouraging such planning with its grants. The grant would have been vacated had we not used it in 2010. The funding provided by the State is for Planning – which is what Closter used them for – but not for resuscitating the sites which is what the Zabriskie issue that Jerry refers to is all about.

The State tax credits are still available and have been used for previous Closter projects. There was wide currency given to those credits by the State and our own Historic Preservation Commission. When historic buildings need to be improved in order to become more usable and a tax credit is given

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for that, the owner benefits by lowering his costs; and the community benefits from a safer, more attractive building. This is not the first time that the press has exaggerated an issue to create reader interest. In fact, we have never put a tax lien on any property for sign abuse, nor do we have any special ordinances for signs on historic properties. The six month waiting period that Jerry refers to deals only with teardowns, does not affect any renovation plans, and most certainly not interior decoration. We would be interested in hearing of anyone who had any kind of burdensome process making interior changes on their home.”

Mrs. Amitai entered the meeting at 7:42 p.m.

“Real Estate statistics confirm that historic properties are actually worth more than comparable newer properties. They may take longer to sell, but they realize more gain for the owner. To repeat again, the Historic Preservation Commission, as well as the Borough, makes every possible effort to gain and include input from the residents for any plan that is proposed. In fact, we are mandated to do so by State regulation. No plan is ever adopted in the face of resident opposition. In fact, that is what happened in the case of the originally sought designation for the historic district. Faced even with a modicum of opposition, the Historic Preservation Commission retracted its proposal and substituted a more limited version, which gained unanimous approval from the affected residents.

Neither the Planning Board nor the Historic Preservation (Commission) has any intent of increasing regulations over development or rehabilitation of any portion of our town. On the contrary, we are in the process of simplifying many of the relevant ordinances. The elected and appointed officials of Closter, who are all citizens of our Borough, are just as interested in keeping our Community a pleasant and thriving one as anyone in the Chamber of Commerce.

Approval for changes on buildings designated “historic” is only necessary for building exteriors that would “adversely affect the public’s view from the street”. Moreover, this would be a direct, informal request to the Historic Preservation Commission and involves no cost or other burden. In addition, these rules are intended for residential properties primarily, not commercial ones. The administration is already in the process of implementing some of the suggestions for the improvement of Closter business viability that Jerry Boyarsky cites in his letter, and he is very well aware of that.

And finally, a previous administration made enormous efforts to encourage the merchants to approve a BID, which is an improvement district, and was 100% rejected. At this time, the rules and costs of BIDs are such that they would be even harder to implement than they were when this was first brought up 15 years ago.”

Councilman Glidden expressed his feeling that this was a good response and suggested sending it to Jerry.

Jennifer Rothschild, 32 Hickory Lane, commended the Mayor on a very thorough response. She wished to add that the meetings were also advertised in the papers as according to law, and explained she personally made posters and put them up around town. Moreover, she sent questionnaires which specifically went to the Boyarskys and Mr. Maurer and invited their participation. In the letter accompanying the survey, she mentioned how the Plan Element was proceeding along and would be coming to the Planning Board. She informed there were only about 12 or 20 people she personally sent letters to, which is not required by law, because she knew they would have opinions. She informed they did not show up at any of the meetings. In response to the Mayor, she explained she sent the letter to the Boyarskys at their office and to the Maurers at Ward’s and their home. The letter did address the issue of the Historic Element to the Master Plan and mentioned it would be proceeding to the Planning Board. She reiterated those two people were personally notified.



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In addition, Ms. Rothschild voiced her opinion that it could be possible that a commercial building could be designated under the ordinance, but we have abandoned any plans to do so. They are aware that the business community and the Planner and the Council and Planning Board will all be working together on a comprehensive plan, so they decided to take a step back. At this time, only commercial residences and merchants are currently being researched in preparation for designation hearings.

Steve Isaacson, 97 Columbus Avenue, speaking as a Member of the Chamber of Commerce, informed that at their last meeting, the Historic Preservation Commission was invited to attend, and they graciously attended. Unfortunately, the Boyarskys were in Florida, so they have no idea of what went on. He thinks a lot of the disagreements were aired and a lot of people started to get closer to being on the same page. He reminded that the Boyarskys are in the business of renting space. His personal feeling is that you're only going to get business in Closter and it's going to become vibrant if you bring business in again. That should be the first priority.

Councilman Dolson brought up a sideline comment regarding this particular subject since he received two emails: one to join a Facebook to discuss this issue, and another to ask why he didn't sign up. He voiced his opinion that as an elected official representing the community, they should continue to communicate through traditional channels and not join a chat box on a Facebook internet website to express our views. He said they should do it collectively, and after review, and not one on one. The Borough Attorney advised at this time that there was a danger if a number of Council members joined the site, they would be violating the Open Public Meetings Act. Mrs. Latner informed she specifically responded that she was not comfortable joining anything like that.

Steve Isaacson voiced his opinion that Facebook is Facebook. He feels it is a good place to start observing and see what people are talking about and get the public opinion. He said they don't have to respond and they don't have to join, but they can watch what the people are saying.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of May 11, 2011)
11. RESOLUTION URGING THE LEGISLATURE TO QUICKLY ENACT, AND THE GOVERNOR TO APPROVE, S-54 WHICH WOULD CHANGE RESTRICTIONS ON CERTAIN COUNTY OR MUNICIPAL STREAM CLEANING ACTIVITIES (4. M.L. 4/14/11)  
(Adjourned from RM 4/26/11)

Councilman Kashwick requested that the resolution be voted upon separately.

12. RESOLUTION AWARDED BID RECEIVED AT BID OPENING HELD 4/20/11 @ 11 A.M. FOR 2012 INTERNATIONAL MODEL 7500 4X4 CHASSIS WITH A HOOK LIFT & BODIES AS SPECIFIED OR EQUAL, FOR THE BOROUGH OF CLOSTER, TO SOLE AND LOW BIDDER, DELUXE INTERNATIONAL TRUCKS, INC. OF HACKENSACK, NJ, FOR THE BASE BID PLUS OPTIONS 2 & 3, IN THE AMOUNT OF \$229,615.00 (Received from Administrator 4/21/11) (Adjourned from RM 4/26/11)

Borough Administrator said that we are continuing to look into the questions raised at the last meeting and hope to have the answers by the next meeting. This item was removed from the Consent Agenda.

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13. POSSIBLE RESOLUTION AWARDING CONTRACT TO \_\_\_\_\_ FOR PROFESSIONAL PLANNER – MASTER PLAN, RECEIVED AT OPENING HELD 3/30/11 @ 1:30 P.M. - TO BE PREPARED BY BOROUGH ATTORNEY (Adjourned from RM 4/26/11)

Councilman Kashwick asked if the Council was ready to award a contract to a planner and was advised by Mayor Heymann that this item would be removed from the Consent Agenda. Councilman Dolson asked that the Council be informed of the final choices before a selection is made.

Mayor Heymann asked that the requests from Jack in the Box for June 4<sup>th</sup> and the Elks/American Legion Memorial Day Parade be included on the Consent Agenda. She explained that there are changes to the Memorial Day Parade that include a start time of 10:30 a.m. with a new route ending at Memorial Park. The participants include the bands from the Tenakill School and the High School, a volunteer bagpiper and the Ambulance Corps and Fire Department. The new route for the parade would be posted on the website.

Because these requests came in late, Mayor Heymann read a Borough facility request form process that would be posted on the Borough website. In answer to Councilman Barad, Borough Clerk advised that her recommendation had always been to submit the paperwork one month in advance so that the paperwork is in order and a checklist of the necessary documents should be provided, Councilman Barad recommended a late fee for those organizations that did not submit requests in a timely manner or needed an expedited response. This matter was referred to the Ordinance Committee.

Mayor Heymann noted that the Diabetes Association has requested a chalk marking of their route for the month of June that passes through the Borough. Also, the request from the Temple Beth-El to use a ball field would be included in the Agenda.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE CONTRACTS:

a. BOROUGH ADMINISTRATOR (RM 5/13/09) – Mr. Rogan informed this contract has been finalized and circulated for signatures; and, therefore, can be removed from his Agenda.

b. MAC BAIN FARM AGREEMENT – The Borough Attorney reported he has still yet to receive a signed contract; and informed he spoke to Mr. McCaffrey’s attorney’s office this morning. He was told initially the attorney was on trial for a few weeks and then he merged with another law firm. Mr. Rogan requested the Governing Body authorize him to send a letter to the attorney instituting a 10-day deadline because it has now been a couple of months. He reminded this was finalized a few months ago in person at Borough Hall. No one voiced any disagreement to same.

2) REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) – The Borough Attorney informed he will be meeting with the Borough Administrator to finalize this; the specifications are not finalized though the paperwork is. They will meet between now and the next meeting.

3) SUSTAINABLE DEVELOPMENT ORDINANCE (Requested by Borough Attorney 4/6/11) – Mr. Rogan informed he wished to add “Historic Commission Ordinances” and reminded there have been a couple of recommendations or requests from the Governing Body to the Planning Board regarding both of these issues. He spoke to Arthur Chagaris (Planning Board Attorney); and the

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6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

Board did take it up recently; and Mr. Chagaris will be forwarding those formal recommendations to his office. Mayor Heymann informed she received a copy of same today, and he may not have seen it yet. Mr. Rogan advised he will circulate same tomorrow and hopes to have it on the next Agenda.

4) REPORT – Mr. Rogan reminded at the last meeting we had the Eagle Scout presentation for the cemetery; and informed he confirmed since the last meeting that we have insurance in place and a Hold Harmless Agreement, therefore, he circulated a resolution tonight to add to the Agenda if the Mayor and Council so choose to approve that project.

B. BOROUGH ENGINEER

1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 – Mr. DeNicola reminded this is a Federal Aid Program; and informed he finally received comments after a year plus. He will forward revised plans and specifications early next week. He spoke with the DOT today who advised as soon as they are received, we can go out to bid. He informed that this project must be bid in a Trenton newspaper because it involves federal funding, and is also a longer process, about 3 weeks to receive bids. He does not know if this will be complete for September's start of the new school year; however, it will be completed by the end of the year. This project will move forward.

2) REPORT RE NJDOT 2011 MUNICIPAL AID PROGRAM – HERBERT AVENUE IMPVTS., SECTION 4 (\$150,000 awarded 1/26/11) 11. M.L. 2/3/11  
Awarded to AJM Contractors/RM 4/26/11

3) REPORT RE BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL IMPROVEMENT PROGRAM 2009 Grant (\$37,000) basketball courts/Memorial Field (filed 7/27/09) Award of \$36,500 reported WS 6/9/10 – Contract awarded to AJM Contractors/RM 4/26/11 – The Borough Engineer informed that Item numbers 2 and 3 are a combined project for economies of scale. This will be a staggered project with Herbert Avenue being constructed in the Summer prior to Labor Day events; and after Labor Day, sometime in September, the Memorial Field Basketball Courts will be completed. This will allow the basketball players to have the Summer months to use the courts. He informed there will be a pre-construction meeting next Wednesday, 5/18/11, here at the Borough at 10 a.m.

4) 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FOR BARRIER FREE CURB CUTS - \$50,000 AWARDED (2. M.L. 6/17/10) Contract awarded (RM 3/9/11) to M. Ingannamorte & Son, Inc. - \$35,716.00 – Mr. DeNicola explained this is a CDBG project for barrier free curb cuts. He informed they had a pre-construction meeting in April; and since this affects the Hillside School area, it will be a Summertime project starting in July and finishing up in mid-August.

5) REPORT – Mr. DeNicola has met with the DOT regarding ADA handicapped ramps, which he explained have had the same detail since somewhere around 1990. They have been told nobody has followed the detail exactly – all the contractors have been getting away with what the DOT calls “murder”. Even when you order DOT ramps, their ramps don't conform either. He informed the FHWA (Federal Highway Administration) came down hard on the DOT because the ramps do not meet the standards. Unfortunately, most of the ramps can't be made to meet standards. In places like Closter, it will be easy because of the wide, open areas; but in places like North Bergen and Guttenberg, where they have store fronts and door steps, it is very hard. The FHWA is taking a very hard line stance that any ramp constructed from this point forward doesn't conform to their standards, not only will you not get money for that ramp, but you will not get any money for any of that project. He explained that for instance, the DOT project for Herbert Avenue has 3 or 4 ramps; and if one of the ramps is not built properly, they are threatening to hold up that entire \$150,000. He voiced his

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

frustration regarding this matter adding that the handicapped ramps will not only be more expensive to design but also to construct, figuring around 2-3 times the expense. In response to Mayor Heymann, he reiterated the Closter is easier because we don't have the utilities and poles all over the place – it was a generic statement blanketing statewide. He assured it does not affect Closter at all on these projects, but on all projects going forward, contractors will bid higher on the projects keeping in mind the potential problems with the handicapped ramps.

In response to Mr. Kashwick, the Borough Engineer explained there needs to be a 4 x 4 area and 2% behind the ramp – which are 12.11 maximum. If you go 12 ½ on one, that violates the standard – nonpayment. If you go at 2.2% instead of 2%, it is nonstandard. He likened it to brain surgery and said it is in no way similar - they are taking construction to a whole new level. It's not like we are in a surgical room and you have all the tools where you can get it exact. From our point, we are not going to try to design to the standards, we will shoot for designing with a little bit of leeway to allow for errors in construction; and if there is a little creep, it will still be within the standards.

Dr. Barad wished to ask an unrelated engineering/legal question and reminded we keep hearing about the angled parking issue. His understanding is that it is due to reasons beyond our control that we are not able to return to angled parking. He asked the Borough Engineer to review the circumstances.

Mr. DeNicola summarized that when the Borough applied for a 95/96 ISTEA (Intermodal Surface Transportation Trust Fund) Federal Aid program, there were federal standards that had to be met. The standards included the requirement for a 10-foot backup lane when you have angled parking to allow people to back out, in addition to the through lane. As an example, to have angled parking on Main Street, you would need the angled parking area, two 10-foot through lanes as backup lanes plus the through lanes that are there today; and you don't have that width. When Closter met that criteria, they either had to comply or forfeit the funds, and at that time, they elected to go forward with the project. Dr. Barad questioned if this requirement is in perpetuity and the Borough Engineer agreed, adding that it is until such time as it may no longer be in effect. The Borough Engineer explained it is a state requirement that needs to be met in order to accept federal funds. Dr. Barad questioned if angled parking could be made on one side of the street; and Mr. DeNicola advised he would have to look into it, but he doesn't think it would work because there is currently no additional lane. Dr. Barad voiced his understanding that we wouldn't meet a state standard no matter what we did, but we could look into what would happen if we looked into doing it on one side of the street; and the Borough Engineer affirmed same.

Mrs. Latner informed that when she moved into town there was angled parking, but the sidewalk was not out as far; and questioned if that was the extra space. Mr. DeNicola affirmed that the sidewalks were widened from 1-3 feet depending on the location in town, what store front is there and all of those things come into play. Mrs. Latner relayed the passion expressed from the shop owners in that area because they really feel that has prevented easy in-and-out access for people coming. She asked if there is any kind of hope for the future. He responded that this particular road is not a DOT road, rather the people that twisted their arms was the County because they own the roadway. Their stance was that if we didn't meet the criteria, the County would not sign off on the project; so there were a lot of agencies which pushed Closter to conform or not accept the money. He reminded there is currently an island there; and to do it on one side, there is not a simple solution.

Mrs. Amitai questioned how many spaces were lost in the downtown area. The Borough

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6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

Engineer did not recall off the top of his head but approximated close to half. He advised it would require a major traffic study to consider other potential locations in town.

7. REPORTS

A. BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE NEW BOROUGH WEB SITE
- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):  
(None at time of preparation of this Agenda)
- 3) STATUS REPORT RE COORDINATION OF ADVERTISEMENT OF BIDS FOR VARIOUS EQUIPMENT AND IMPROVEMENTS (RMA 10/13/10)

a. DIGITAL VIDEO EQUIPMENT (Opening to be held 5/18/11 @ 4 p.m.) Mr. Wiest informed there is an upcoming bid opening on the 18<sup>th</sup> for the digital video which has been posted on the website for some time. He said they have been getting a lot of calls; and he will be interested to see if they get final quotes, only because they are trying to support existing digital video cameras on police cars. He feels a lot of the vendors that have called won't be able to respond because of the type of equipment they need to work with. Mr. Wiest voiced his pleasure to see so many inquiries based only on a web posting and reported he has received about 15 so far.

4) STATUS REPORT RE PURSUIT OF "FAIR AND OPEN" PROCESS IN AWARDING CONTRACTS FOR FIREHOUSE ROOF REPLACEMENT AND COMMUNICATIONS EQUIPMENT FOR THE FIRE DEPARTMENT TO BE AWARDED IN THE BOROUGH OF CLOSTER (RMA 11/8/10) (Opening held 5/4/11 @ 4 p.m.) – Mr. Wiest reported 2 bids were received at the opening held 5/4/11 and he is happy with the low bid, though not ready to present it this evening. He said there is one issue with the low bid that he is looking into to see if it is a problem or not; and hopes to have a determination whether to award it at the next meeting, or to have a decision to rebid the project.

5) REPORT RE POSSIBLE AWARD OF FOLLOWING BIDS RECEIVED:  
a. PROFESSIONAL PLANNER - MASTER PLAN (Opening held by Borough Clerk 3/30/11 @ 1:30 p.m.) – Mr. Wiest advised the Professional Planner is not really in his hands and will be awarded at a future meeting.  
b. ROLL-OFF TRUCK (published in The Record, 4/7/11 (Opening held 4/20/11 @ 11 a.m.) – Regarding the roll-off truck he mentioned earlier, he is still looking into some of the issues raised about the specifications. He spoke to a Borough resident earlier who stopped in and raised the issues in the first place, who brought additional issues to his attention, which he plans to further investigate.

B. BOROUGH CLERK

1) STATUS REPORT RE 2011 APPOINTMENTS – Ms. Castano reported we are current with the appointments listed on the Regular Meeting Agenda. Regarding the Improvement Commission appointment of Christina Stratton on 2/23/11 – we have not received an Oath of Office; and we are maintaining on the Agenda the others who have not signed their Oath. We received a resignation from Robert Friedman, effective immediately; we have it as 2. M.L. 5/12/11 which was distributed to the Mayor and Council. It is her understanding that the Mayor will be making those appointments this evening, as they are Mayoral appointments.

2) STATUS REPORT RE 2011 OATHS OF OFFICE – Ms. Castano advised she just reported on Oaths of Office.

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7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

3) STATUS REPORT RE 2011 LICENSES – Ms. Castano reported that yesterday she mailed the renewal applications she had received from the Division of ABC to the 13 licensees. She informed she e-mailed the customary memo to the Borough Officials asking them to make inspections and provide a report to her by June 2, 2011. At this time, four are inactive licenses: Klip, LLC/t/a Assembly East (inactive); Moo Kung Wha, which had another name change and is now out of business, located by the clock tower (pocket); Modern Bar LLC/Closter Rec. (pocket); and Gjevukaj/formerly Peking Duck (inactive) which has construction going on. All others are in operation.

4) STATUS REPORT RE 2011 MEETING DATES – The Borough Clerk reported that meeting dates are current.

5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Ms. Castano reported out of 108 total Financial Disclosure Statements due by April 30, 2011, 100 have been received; of which 98 have been reviewed by the Board of Ethics and filed with the Local Finance Board. She informed the next two steps the Board of Ethics has to follow are to submit a roster to the Local Finance Board by June 1<sup>st</sup>, and then a report to the Mayor and Council which is due December 15<sup>th</sup>. They had a meeting last evening and their next two meetings are scheduled for October 11 and December 13; but there is a long gap in between, and she recommends they have other meetings scheduled, which can always be canceled if necessary, but there should be more to follow up with the June 1<sup>st</sup> deadline.

6) REPORT RE ELECTIONS – regarding Elections, Ms. Castano reported the following:

a. School Election held 4/27/11 – 20% of the voters came out; The Budgets passed and the incumbents won: Ann S. Ginberg, Lydia Forstmann and Gregg Lambert.

b. Primary – to be held June 7, 2011 from 6 a.m. to 8 p.m. - Petitions have been filed by our incumbent Councilpersons (filing date was 4/11/11 @ 4 p.m.). The filing deadline for Independents is Primary Day by 4:00 p.m. in the County Clerk's office/Election Division.

Next Tuesday, 5/17/11, is the last day to register to vote in the Primary. Therefore, our office will be open to the public from 9 a.m. to 9 p.m. Arlene and I will take shifts to make sure the office is covered.

7) STATUS REPORT RE PAPERLESS PACKETS (Requested by Mr. Kashwick W.S. 4/13/11) – On 4/13/11 we met with Kevin Whitney; who followed up with obtaining quotes for laptops, software, etc. which he sent via e-mail to her and Councilman Dolson on 4/25/11 and copied the Borough Administrator, Mayor, Councilmen Kashwick and Glidden and the Borough Attorney. At this time, the price quote was good and had an approximation of about \$10,000 for laptops and the software and hardware until 5/25/11, which is rapidly approaching. She requested review and recommendation as to how to proceed.

In response to Dr. Barad, she informed the quote is for 11 laptops. Dr. Barad voiced his opinion that is a very good price for 11 laptops. Mayor Heymann agreed the prices in the quote were good prices. Ms. Castano informed she did receive, by mistake, a purchase order that was supposed to be sent out for the purchase of the software for our scanner which we have on our office and have not been able to use for some years. She feels in that respect we will be making some progress as far as being able to e-mail the mail lists in the near future. In response to Mr. Kashwick's question, Mr. Wiest informed this is a Capital expense and we do have those funds available

. Mr. Glidden asked if everyone was comfortable that there will be a substantial savings to offset that cost by the lack of paper. Mr. Kashwick voiced his understanding it is not the lack of paper but the time spent doing the copying. Dr. Barad explained now we know what it costs to switch over, we could probably estimate the cost of what it takes one person to prepare and send out these packets.

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7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

Ms. Castano explained it is hard to quantify and qualify what our time is. She said we are still spending a lot of time, even though we have reduced a great deal of copying on the unapproved minutes, which has been a great blessing and easier to send out.

Dr. Barad asked that she sit down with the Borough Administrator and come up with a spreadsheet to show the average savings; and if we can make a good enough case, we can move forward. Mr. Dolson added that they are not the only recipients of a lot of these communications; there are Boards and Commissions that receive copies as well as US Postage – so that is a savings as well.

Ms. Castano agreed that we have noticed a difference in how much we are sending out these past few months when she brings the Friday mail to the post office; and she would figure out postage is a huge savings. Mayor Heymann explained they know what they are getting, and it is fairly self evident that the scanning process makes it better, and it saves packets and office time. Her question still is whether the laptops would further the process, or in fact hinder it. Mayor Heymann explained they are getting some items via e-mail now; and once the scanning process is enhanced, they will get even more in advance. Mrs. Amitai asked for clarification that their lives from meeting to meeting would essentially not change and they would still receive e-mail in advance; and the Mayor explained the only difference would be a laptop in front of them instead of paper. Mrs. Latner said she receives a lot of duplicate e-mails; and the Mayor explained some of that would be alleviated; and agreed with Mrs. Latner that all of the same information would then be contained in the laptop for use at the meeting while allowing them the opportunity to receive the items in advance and review them at their own pace. Mayor Heymann asked everyone to give this some more thought.

C. CHIEF OF POLICE

1) REPORT – Councilman Glidden informed he asked the Chief to discuss a little bit of his experience with Dispatch Radio as a result of going over to the County. They have spoken frequently; and no incidents or safety concerns have been reported thus far. Chief Berrian reported he has a meeting tomorrow at the County facility in Mahwah at which time he will learn more about the change over date, which he understood could be as early as Friday. He said he will notify the Mayor and Council with a summary of the meeting. Regarding the Memorial Day Parade, he will have a message put on the Police traffic trailer in front of each of the schools for a few days, as well as the local businesses.

Dr. Barad informed he had read in the papers that the County intends to reduce their emergency services to some of the Boroughs; and questioned if the Chief was aware whether this would directly or indirectly affect Closter. Dr. Barad wanted to know if cutting the ambulatory services, would they start to call us for service. Chief Berrian informed Rockleigh would call Northvale. Mayor Heymann said Dr. Barad's point is well taken because when you are in a mutual aid area you would be the second or third recourse. She reminded Rockleigh already calls Northvale and services many of the facilities there; and said time would tell if it would affect us in the future.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1) DEP Greenhouse Grant Reduction (pre-application) WS 12/9/09

2) 2011 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM) WS 9/7/10 –

Mayor Heymann reported this grant has been awarded in the amount of \$10,000.

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7. REPORTS (Continued)

D. MAYOR (Continued)

3) CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10) – Mayor Heymann informed the grant application has been voted on by the Committee that makes these recommendations for CDBG funding and will now go to the Freeholders for approval. She noted that historically the Freeholders do not deny the Committee.

4) 2010 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Municipal Park Improvement Program/Purchase of Playground Equipment/Memorial Park - \$37,500/match – RM 9/22/10)

b. AWARDED

1. FY09 BUFFER ZONE PROTECTION GRANT PROGRAM (BZPP) FOR TARGET HARDENING OF THE ORADELL DAM - \$24,608 AWARDED (RM 2/9/11-Authorizing execution of grant documents)

Mayor Heymann announced that Closter has received the Clean Streets Grant of \$13,191 which covers a lot of our recycling.

c. TO BE FILED - To be announced by Mayor

2) REPORT – Mayor Heymann thanked and congratulated Nick DeNicola (Borough Engineer), who followed through on the barrier which cut off the Cross Closter Trail at Durie Avenue. She informed Nick has received permission to remove three sections of the barrier to permit access across Durie Avenue. The entire barrier was scheduled to be replaced, so the remaining parts will be replaced. Councilman Glidden said great job. Mayor Heymann explained that the thing that sold Gary Ascolese of the County engineers, was that Nick got a picture of a hiker jumping over the barrier.

At this time, Mayor Heymann wished to discuss a topic the Council may want think about but does not need a position taken this evening. She reminded there have been ongoing problems with abuse of Westminster Avenue which is a Borough non-dedicated road. It has been used by three contractors on the road who have been using the unimproved road, as well as filling it up with debris. The issue has been a current one for 15 years or more. It finally came to the Zoning Board of Adjustment, who ruled what she thought was inappropriately because the matter should have come before the Council; that three contractors who front John Street could use Westminster for access to avoid going on John Street. She informed this was done during the time when the Building Department had citations against those contractors, and the Court stayed those decisions because the Zoning Board was taking the matter up. She explained two of the contractors were acquiescent; and the third was not, which in effect terminated the entire process. She informed the third contractor was Denny Wiggers, who is again in front of the Court. He was given a 6/15/11 deadline by the Closter Municipal Court to move his entire operation out of there. At this time, he is about to ask for an extension; and she voiced her opinion that all of us are unhappy with the process because 15 years is too long.

Mayor Heymann explained she spoke informally with Mr. Wiest, who came up with what she feels is a good idea. His suggestion was to close off the street completely and close off the access to that street from the back of those three properties, which would mean the street could not be used by those contractors, which is what we are looking to do. She said it would avoid continuing legal costs and legal anger, settling the issue. In order to do that, we would need to pass an Ordinance to change the use of the unimproved street. She invited Mr. Wiest and Mr. DeNicola to add their comments at this time.

Dr. Barad questioned how it would be physically closed off. Mr. DeNicola explained he felt it would be very easy using a guide rail or concrete barrier which would need to be maintained. He



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7. REPORTS (Continued)

D. MAYOR (Continued)

thinks contractors may still try to get in there and damage it, so it needs to be enforced. Dr. Barad expressed his concern that the contractors could still pile chips over it because it would only be a foot high; and the Borough Attorney agreed that is what has been happening all this time. Mayor Heymann offered using something nobody could get through, like a metal barrier or concrete posts. The Borough Engineer said we have 37 feet available from the guide rail on Durie Avenue that was removed. He explained the first issue is access to Westminster Avenue from Railroad Avenue, and the secondary is access to the properties from Westminster. The contractors have been using Borough property as their own. His biggest concern is that if there were to be contamination such as oil leaking, it would be on Borough property; and an issue for the Borough in the future. Mayor Heymann informed she and Mr. DeNicola mapped the area in case anyone wanted to see it. She asked that if everyone were in acquiescence, the Ordinance Committee could draw up an ordinance on that.

Dr. Barad questioned if the ordinance was needed to put the barrier up; and the Borough Attorney informed it was not necessary because the Borough owns the street; and a Resolution would be sufficient. Dr. Barad agreed they could draft a Resolution to fund the project, but they need to design the project. Mr. Wiest believes there may be funds left in the Road Improvement project for same. The Borough Engineer said the guide rail is relatively easy and said perhaps the DPW could do it. Mr. Wiest said they could also give a small change order to one of the current contractors for Herbert Avenue to effect it. In response to Dr. Barad, Mr. Rogan advised they need to be very careful about the dimensions of the project. Mr. Dolson asked if they could consider the corrugated curbs like the ones that run down Durie Avenue and run it down the Borough's border on Westminster Avenue. The Borough Engineer agreed that was a possibility; but they are looking to block access from four sides. Mr. Dolson said at this point, it is almost impossible to delineate who is what and where. He suggested notifying the people they need to vacate it and it will be reclaimed. He said as liaison to the Zoning Board and seeing the maps continually and having visited the site, you can't tell. The Zoning Board asked the applicants to put up markers to identify their property and most of the pictures are outside of their own delineations. In response to Mrs. Amitai, the markers Boswell installed on 2007/2008 he believes are most likely gone. Dr. Barad suggested a Resolution to design something. The Borough Attorney confirmed with the Borough Engineer that none of the properties are landlocked, to which he affirmed none were.

8. OLD BUSINESS

- a. STATUS REPORT RE REQUEST FOR NAME CHANGE AT VETERAN'S MEMORIAL PARK AND A NEW SIGN (3. M.L. 2/17/11; referred to O&L Committee for W.S. 3/23/11/Placed on WSA per request of Dr. Barad 4/26/11

9. NEW BUSINESS

10. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) SUBJECT TO A 5-MINUTE LIMIT (PER GENERAL RULE NUMBER 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Jesse Rosenblum, 65 Knickerbocker Road, suggested that the Council consider reforesting the Westminster area in question or constructing a pocket park.

Leslie Brunell, 2 Taylor Road, said the Closter Nature Center is in receipt of the estimate for the dredging project; and she questioned the survey cost since same was surveyed two years ago and the need for the 3½ foot cross sections. Borough Engineer said the cross sections are required by the Department of Environmental Protection; and the survey would be acceptable if done by a licensed surveyor. He asked that all the information on file with the Nature Center be forwarded to him. Ms. Brunell said that the current depth of the pond is 3½ feet; and it is proposed to have the depth at 6 feet

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to remove a large amount of vegetation.

Jennifer Rothschild, 33 Hickory Lane, expressed support for the paperless project being undertaken by the Council and recommended that other Boards and Commissions do the same. She suggested that Council members use their personal laptops; and Borough Clerk explained the need for software and the guidelines included in the Open Public Meetings Act. Mayor Heymann said that an I-Pad would be more costly than a laptop and she said that she was in favor of e-mail transmission of all information. Restrictions on the use of laptops would not allow Council communication and that the information once sent out could not be altered.

Max Beucler, 45 Van Horn Street, Demarest asked that his Eagle Scout paper work be signed and Mayor Heymann advised that a resolution would be adopted at the Regular Meeting and that a copy would be provided to him.

Councilman Barad referred to the garbage at the basketball field; and Mayor Heymann said that the 50 to 75 cans and bottles were left at the field even though there were a number of unused receptacles. The Recreation Commissioner said that the lights at the basketball court will not be on at night until he is satisfied that the area is kept clean.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
12. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
13. ADJOURNMENT

Motion to adjourn the Work Session at 8:55 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the Mayor and Council on May 20, 2011 for approval at the Regular Meeting to be held May 25, 2011.

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Loretta Castano, RMC  
Borough Clerk

Prepared by Arlene Corvelli and Carol Kroepke, RMC, utilizing recording and Borough Clerk's notes

Approved at the Regular Meeting held May 25, 2011  
Consent Agenda Item No. 21b.