

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MONDAY, NOVEMBER 21, 2011 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:36 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

The following persons were present

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad
Arthur Dolson, Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Dr. Stephen T. Boswell, Nick DeNicola
Deputy Chief of Police, Dennis Kaine
Fire Chief, Nick Varni
Assistant Fire Chief, Chris Pesce
2nd Lieutenant, Kurt Vreeland
Former Fire Chief, Mark Lupardi

3a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the following Consent Agenda Items minus Item Nos. 10 and 12 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.

RESOLUTIONS

4. RESOLUTION NO. 10 RE AD INTERIM PERMIT
5. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO VALLEY NATIONAL BANK IN THE AMOUNT OF \$2,460.10 DUE TO TAX OVERPAYMENT CREATED IN THE 4TH QUARTER 2011 TAX ACCOUNT FOR BLOCK 602, LOT 9, 8 WILLIS DRIVE (Received from Tax Collector's Office 11/10/11)
6. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO BAC TAX SERVICES CORPORATION DUE TO 2011 COUNTY BOARD JUDGMENT FOR THE 4TH QUARTER 2011 TAX ACCOUNTS FOR THE FOLLOWING PROPERTIES: BLOCK 307, LOT 1 - 116 DURIE AVENUE IN THE AMOUNT OF \$804.08; BLOCK 2104, LOT 18 - 1 HIGHVIEW COURT IN THE AMOUNT OF \$1,329.90; BLOCK 2201, LOT 10 - 49 COLLINS AVENUE IN THE AMOUNT OF \$388.74 (Received from Tax Collector's Office 11/14/11)
7. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RETURN REMAINING ESCROWS IN THE AMOUNT OF \$5,000.00 TO APPLICANT ATLANTIC INFRARED INC., P.O. BOX 1826, POINT PLEASANT BEACH, NJ 08742, ATTN. MARILYN GRABOWSKI FOR COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 FOR POLICE TRAFFIC DIRECTOR SERVICES (Received from Deputy Chief of Police Office 11/11/11)
8. RESOLUTION AUTHORIZING FIRE DEPARTMENT TO ENTER INTO RESEARCH AND DEVELOPMENT OF SPECIFICATIONS FOR A REPLACEMENT LADDER TRUCK FOR PURCHASE DURING THE PERIOD OF 2012-2013 (Received from Administrator 11/15/11)

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – MONDAY, NOVEMBER 21, 2011 - 7:30 P.M.

9. RESOLUTION AUTHORIZING PAYMENT OF COMPENSATION FOR BOARD OF HEALTH EMPLOYEES FOR 2011 (Received from Administrator 11/16/11)

~~10.~~ *POSSIBLE* RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH THE FIRM OF HAKIM ASSOCIATES TO PROVIDE ADDITIONAL PLANNING SERVICES FOR EVALUATION AND RECOMMENDATIONS CONCERNING A POSSIBLE AMENDMENT OR MODIFICATION WHICH WOULD PROVIDE FOR THE ENLARGEMENT OF THE AFFORDABLE HOUSING DISTRICT IN THE VICINITY OF VAN SCIVER STREET AND TO THE NORTH THEREOF, PURSUANT TO PROPOSAL DATED SEPTEMBER 29, 2011 AND REVISED SEPTEMBER 30 AND OCTOBER 5, FOR AN AMOUNT NOT TO EXCEED \$6,700.00; SUBJECT TO THE SCOPE OF SAID CONTRACT AMENDMENT TO BE CONSIDERED AND ENDORSED BY THE PLANNING BOARD INASMUCH AS SAID SERVICES INVOLVE A POSSIBLE CHANGE TO THE BOROUGH MASTER PLAN, AND THAT SAID CONTRACT AMENDMENT ONLY BECOME FINAL UPON RECEIPT OF CONFIRMATION OF APPROVAL OF THE PLANNING BOARD (Received from Administrator 11/15/11)

- 10a. TRANSFER RESOLUTION NO. 2 (Received from Administrator 11/21/11)

MOTIONS

11. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 11/18/11) ABSTENTION: AMITAI

- a. REGULAR MEETING OF NOVEMBER 9, 2011
- b. WORK SESSION OF NOVEMBER 9, 2011

~~12.~~ MOTION APPOINTING THE FOLLOWING INDIVIDUAL 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	<u>Reorg.1/04/11</u>	_____	2 Year	12/31/12

13. REPORTS

- a. DEPUTY CHIEF OF POLICE – OCTOBER 2011 (Received 11/16/11)

- 3b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

10. *POSSIBLE* RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH THE FIRM OF HAKIM ASSOCIATES TO PROVIDE ADDITIONAL PLANNING SERVICES FOR EVALUATION AND RECOMMENDATIONS CONCERNING A POSSIBLE AMENDMENT OR MODIFICATION WHICH WOULD PROVIDE FOR THE ENLARGEMENT OF THE AFFORDABLE HOUSING DISTRICT IN THE VICINITY OF VAN SCIVER STREET AND TO THE NORTH THEREOF, PURSUANT TO PROPOSAL DATED SEPTEMBER 29, 2011 AND REVISED SEPTEMBER 30 AND OCTOBER 5, FOR AN AMOUNT NOT TO EXCEED \$6,700.00; SUBJECT TO THE SCOPE OF SAID CONTRACT AMENDMENT TO BE CONSIDERED AND ENDORSED BY THE PLANNING BOARD INASMUCH AS SAID SERVICES INVOLVE A POSSIBLE CHANGE TO THE BOROUGH MASTER PLAN, AND THAT SAID CONTRACT AMENDMENT ONLY BECOME FINAL UPON RECEIPT OF CONFIRMATION OF APPROVAL OF THE PLANNING BOARD (Received from Administrator 11/15/11)

Councilman Kashwick said he did not see a benefit from this Resolution; therefore, he would vote against same on a separate vote. Councilman Dolson seconded Mr. Kashwick's recommendation. Mayor Heymann said that the money for the study would be coming from the COAH account; and Borough Administrator said the funds must be used by the end of next year or the Borough is at risk of losing them. If there was any kind of transaction with regard to this property, money could be appropriated from the COAH Trust Fund to either cover the costs or to

help fund the transaction. Mayor Heymann said that the COAH funds would be reserved by the State for the State Treasury if not spent before the end of 2012. The COAH funds did not come from the taxpayers but from builders who, according to State law, must pay a certain fee so that the towns could reasonably build low cost housing. Councilman Barad said that the Resolution contained a listing of fees that might be incurred if we follow through; and Borough Administrator said that the Resolution refers to work items 4 and 8 in the Hakim proposal; none of the other work items are related to this. Borough Administrator explained this came from part of a broader proposal that Hakim had made to the Planning Board at one time when they were talking about a lot of different Master Plan type items. For the purpose of this Resolution those two items have been excerpted; most of what is in here does not apply – only items 4 and 8, so it is a \$6,700 item. Borough Attorney advised that the resolution was removed from the Consent Agenda for discussion; and if a motion is made and seconded to approve the Resolution, it would then be opened to the public for discussion. He reiterated that at this time there is nothing on the table for public discussion unless it gets a motion and a second.

Dr. Barad voiced his understanding that the Mayor supports this Resolution and asked her to articulate exactly how it is a benefit to the Borough. Mayor Heymann said that this is a benefit to the public and provides for the Borough to fulfill its ongoing housing obligation. The cost of the United Way proposal would not be incumbent on the Borough; but the costs for the Planner would come from the COAH fund; and any funds not used by the end of 2012 would be accessed by the State. This land has been considered for many years for low cost housing. If this property was built according to Zone B, it would only accommodate two homes; and rezoning same would make it more interesting to a non-profit organization. The downtown properties would accommodate few families with school children; and the properties put aside for special needs would serve the population in a big way and would not impact the Borough.

Council President Kashwick questioned whether COAH funds could be put towards the property owners in the downtown area to enhance the District. Mayor Heymann explained she has tried that many times with no success and it is a good idea; but she hasn't found out how to make it work and suggested he look into it. Borough Attorney noted the funds could be used to hire a planner to make recommendations; Mayor Heymann noted we could authorize the planner to investigate both possibilities at the same time.

Councilwoman Amitai said that the Master Plan was just re-examined; and she questioned why it would be done again to look at a specific property. Mayor Heymann said that the Master Plan is a general plan that responds to the will of the people of Closter, and this Resolution would allow for review of a specific need that was not considered at that time. The Master Plan does not change the zoning; it only suggests that zoning be changed; and a planner is needed to verify the need for zoning change and provide for specific zoning regulations.

Borough Attorney suggested that United Way appear before the Governing Body and explain the benefit of the proposal. At this point in time, he does not feel that the Council members see a benefit to the Borough at all; he added that we aren't past point A and we are jumping to point C. He reiterated that he does not believe the Council feels there is a need for this at all.

Council Councilman Kashwick said he does not see a benefit to the Borough; and questioned why we would be encouraging units farther away from the downtown area. Mayor Heymann said that the property for many years has been considered appropriate for this use; and this is a way to provide housing where there is a need.

At this time, Councilman Glidden explained that he does not feel that there is any interest on the part of the Governing Body to put this forth at this time. Therefore, Mayor Heymann explained she would continue with the Agenda.

- 10b. At this time, Motion was made by Councilman Kashwick seconded by Councilman Barad granting a waiver for Linda and Don Albelli, 353 High Street, to plant three fruit trees on their property (as part of the mitigation regarding their Tree Preservation and Removal Application which was filed in the Building Department in March of 2008). Said motion was declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MONDAY, NOVEMBER 21, 2011 - 7:30 P.M.

10c. Motion approving the placement of the Nativity Creche on the lawn in front of Borough Hall during the week of December 5th; to be removed during the week to January 2, 2012, subject to the submission of the required insurance certificate and hold harmless agreement, to be part of the general holiday display, was made by Councilman Dolson, seconded by Councilwoman Amitai and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

14. 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)

Mayor Heymann opened the meeting to the public. No one wished to be heard.

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

16. ADJOURNMENT

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

Provided to the Mayor and Council
via e-mail on December 2, 2011
for approval at the
Regular Meeting to the held
December 14, 2011

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held December 14, 2011
Consent Agenda No. 19a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MONDAY, NOVEMBER 21, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Monday, November 21, 2011. Mayor Heymann called the meeting to order at 7:34 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 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.

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 (7:55 p.m.)
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Dr. Stephen T. Boswell, Nick DeNicola
Deputy Chief of Police, Dennis Kaine
Fire Chief, Nick Varni
Fire Official, Kevin Whitney

Also present in the audience were: Former Councilwoman Linda Albelli, Chamber of Commerce President Jerry Boyarsky

At this time, Mayor Heymann announced that on November 29th, Hackensack University Hospital is planning to send buses to Trenton to boost its chances to reopen Pascack Valley Hospital. Buses will leave Pascack Valley Hospital at 6:45 a.m. and the anticipated return is early afternoon. Breakfast and lunch will be served on the bus.

Mayor Heymann reminded everyone of the temporary once-a-week garbage pick up and noted that there are no limits to the amount that will be picked up.

Mayor Heymann extended get-well wishes to Board of Health Secretary Elvira Caputo who will be having wrist surgery tomorrow.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF NOVEMBER 10, 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 Councilman Kashwick; Item No. 5 was removed by Councilman Barad.

Item No. 1: Received 11/04/11, dated 11/03/11 from Linda Albelli, 353 High Street re Requesting waiver of tree mitigation requirement, as effected in March 2008 during construction of garage and deck extension, in order to obtain a CO

Councilman Kashwick noted that Mrs. Albelli was present in the audience and asked her to speak regarding same.

Linda Albelli, 353 High Street, explained she sent a letter to the Mayor and Council regarding the tree mitigation that they received when they built the garage several years ago at their home. They filed the removal application and 11 trees were removed. The mitigation required 8 trees. She explained the reason they are requesting the waiver is because there are almost 60 trees currently in their yard. She had called Mr. Cywinski and requested he tell her where she could plant the required trees. Mr. Cywinski advised her that she cannot plant them because they will not survive since the canopy is too thick. Mrs. Albelli then inquired about fruit trees; first he said they wouldn't count towards the mitigation but then he said she could plant three. One point she wants the Council to be aware of is that the 60 trees she mentioned do not include the ornamental trees they have planted and some of the other green planted since the construction. When they had to expand the deck they took on the expense of having three maple trees moved rather than take them down; and they are all thriving and doing well.

Mayor Heymann questioned why Mrs. Albelli did not pursue the matter further with Mr. Cywinski. Mrs. Albelli informed she made attempts to pursue it with him several times to which over the past two years he referred her to the Mayor and Council.

Councilman Kashwick asked the Borough Attorney what the ordinance requires regarding a waiver. Mr. Rogan advised the Council can grant a waiver and there is a timetable for action in Section 181. He voiced his opinion that the meaning of "action" is unclear as to whether it refers to a fine or a directive. He said the section that arguably could be considered a waiver would be an appeal of a decision. That indicated anyone aggrieved by a decision has the right within 10 days to appeal it to the Mayor and Council. Mr. Rogan reiterated that it doesn't necessarily define the actions so he is not clear what that trigger point would be. He advised that the Mayor and Council would have the authority to grant a waiver but the question would be the timing of the appeal.

In response to Dr. Barad, Mrs. Albelli reminded she was here at one point last year regarding this issue and questioned the ordinance. Dr. Barad said the ordinance was written with the intent to protect the town from people coming in and clear cutting property before someone built a new house. He voiced his opinion that it wasn't meant to restrict people who have nicely landscaped yards and shade trees and said her yard is beautiful. He reiterated that it was not the intent to restrict in that way and that's not what they wrote it for; though it could be interpreted that way but it was not their intention. Dr. Barad said he would support making some fair waiver of planting 8 trees and questioned what Mrs. Albelli had in mind.

Mrs. Albelli explained she would like to plant the fruit trees if the waiver was granted. Mayor Heymann asked if the fruit trees wouldn't be impacted by the canopy. Mrs. Albelli explained that anything she plants will be impacted by the canopy unfortunately. She wished for the Council to be aware of the lengths they went to when constructing the garage and explained they moved their garage forward to not disturb the walnut tree. When they put the fence up lined with trees, they moved it to not disturb the root system.

Dr. Barad voiced his opinion that it was not on the Council's mind to fine tune every homeowners' landscaping. Mr. Kashwick agreed with Dr. Barad that there are ample trees on the lot and would have no problems issuing a waiver. Mrs. Albelli thanked the Mayor and Council for their time.

Item No. 5: Received 11/09/11, dated No Date from Nick D=Amico, Jr., Friends of the Crèche re Request for permission to place Nativity Crèche in front of Borough Hall during the week of December 5, 2011; to be removed during the week of January 2, 2012 (Copy to Glenn Parsells, Deputy Chief Kaine)

Councilman Barad noted we have this request for the Crèche and the request for the Menorah and said we could get a snowman. Mayor Heymann informed she asked Susan Boudet about the reindeer she had used last year; and although she has not heard back yet, she doesn't suspect Mrs. Boudet would have a problem with lending same this year. She said we also have the Christmas tree which is considered secular by "the powers that be". Councilman Dolson informed that if you translate the German song it says "a tree for all seasons" – referring to "O Tannenbaum".

b. MAIL LIST OF NOVEMBER 17, 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 Councilman Barad; Item No. 9 was removed by Councilman Dolson.

Item No. 4: Received 11/15/11, dated 11/07/11 from Jim Oettinger, Director, Closter Recreation Commission re Requesting Mayor and Council remove Adangerous trees@ in the parks and be replaced with more durable tree species (Copy to Shade Tree Commission, William Dahle III, Glenn Parsells)

Councilman Barad said he hoped someone could further explain this request. Councilman Glidden explained that he attended the Recreation Commission meeting last Monday and they voiced their concerns about the trees in Memorial Field where the children's park is. In their opinion it is a dangerous situation and some of the branches should be cut and possibly some of the trees removed. There was a large branch that fell on the swing set and crushed it during the last storm. After personally viewing the area and the damage, he agrees with the Commission's sentiments. In response to Dr. Barad, he explained there are a couple of trees that need to be removed. Mr. Kashwick voiced his opinion that the letter sounds like it is requesting to clear cut the field. Mayor Heymann disagreed and explained there are two trees the Commission would like cut down. Dr. Barad suggested this needs to go to the Environmental Commission because they are not street trees. Mayor Heymann asked them to keep in mind that the trees are a potential danger that she wouldn't want to have the Borough to be held liable because once you are aware of such an issue you become liable. A tree that can shed a branch that can totally crush a newly

installed swing set can surely do more damage to a small child. The tree is so large according to Jim Oettinger, that it can cost at least \$3,000 to bring it down, which is a big sum of money.

Mayor Heymann shared Jim's suggestion that they could allow individuals or groups to dedicate newly planted trees to honor the deceased as they recently did with Ricky Rudick. They would be charged an additional sum besides the cost of the tree and its planting; and that sum could cover some of the cost to pay for removal. Dr. Barad questioned if they were presuming there was no other way of mitigating the danger such as removing tree limbs instead of an entire tree. Mr. Kashwick suggested that Ray (Cywinski), George (Futterknecht) or Todd (Bradbury) take a look at the trees and give their expert opinion on the situation. Dr. Barad noted this request is copied to the Shade Tree Commission and that it should go to the Environmental Commission as well. Mayor Heymann asked that they all think about the possibility of the dedication of trees and charging for them.

Item No. 9: Received 11/17/11 Hand del'd, dated 11/16/11 from Bill Brewster, Club President, Closter Senior Citizens Club, Inc. re Informing of the Senior Citizens Club plans for outdoor holiday decor; use of the club by the Leroy S. Mead Post 111 on the 3rd Tuesday of every month from 6 PM to 10 PM; and requesting the request be denied for use of the area in front of the senior club building at any time by Lubavitch on the Palisades

Councilman Dolson said we just discussed the placing of the Crèche, he read this and noticed there is some sort of conflict; and he was wondering if there was room on the side of the building to hold the ceremony. Mayor Heymann explained that the Borough offers two opportunities to the Lubavitch in Tenafly, who are sometimes represented by Temple Emanu-El in Closter, though this year they are not. On the front lawn of Borough Hall, we provide the Crèche, the Menorah, a holiday tree and reindeer as we have done for many years. In addition to that the Lubavitch group asks to have a ceremony on public grounds to celebrate the lighting of the Hanukkah candles which they do in conjunction with partying and gifts for children and dancing. They do this because, according to them, this is a custom to celebrate their freedom publicly now that they can do so. She explained when they first started, they did it on the front lawn with the Menorah that was already there, which created a lot of problems. After some serious negotiation, one year they went to Herbert Avenue where the pavilion is and after that they came to the back of Borough Hall by the Senior Center; and that is where they have been for the last four years. This letter finds this objectionable. Mayor Heymann said we have two choices: asking the Lubavitch to go elsewhere or fighting it out. Essentially it is Borough property; and the Council has the right to dispose of it. She suggested they use a different location in the Borough that would suit them just as well. The location she is suggesting is the corner of Ruckman Park which faces Piermont Road; which is also a public place, and most of it is roped off. It is a visible location on public property; and, hopefully, they will accede to it. Dr. Barad voiced his opinion that he is okay with the Lubavitch using Ruckman Park. In response to Mr. Kashwick, the Mayor explained they set up the dates the year before and set up a calendar as to which day will be in which town. This year they have Closter on Tuesday, December 20, 2011. Mr. Kashwick voiced his understanding that it is a scheduling conflict with the Senior Center. Mayor Heymann voiced her understanding that there are only six people that meet that night and there is no way it would affect the parking lot.

Mrs. Amitai entered the meeting at 7:55 p.m.

Mr. Kashwick voiced his opinion that he sees no reason to deny the request if the Senior Center parking lot will not be full. Dr. Barad voiced his understanding that the request says two things. The first being that they will have Christmas trees in front of the Senior Center so there will be no room for a Hanukkah celebration, which he finds objectionable. The second part of the letter says that there will be a meeting there at that time so there can't be two things at the same time; and if there are only six people, it is not a big deal. Dr. Barad and Mr. Kashwick agreed they have no objection to offering a different location. Mrs. Latner suggested they may feel more comfortable offering a different location as opposed to saying they can't have it at the Senior Center. Dr. Barad said Ruckman Park could be better because there is more room there on the field and in the parking lot. Mrs. Latner noted that the Library had been asked; and it was not a feasible location. Mayor Heymann will so inform them.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of Monday, November 21, 2011)

The following items were removed for discussion by the following individuals:
Councilman Kashwick removed Item No. 10. Councilman Barad removed Item No. 8.

RESOLUTIONS

8. RESOLUTION AUTHORIZING FIRE DEPARTMENT TO ENTER INTO RESEARCH AND DEVELOPMENT OF SPECIFICATIONS FOR A REPLACEMENT LADDER TRUCK FOR PURCHASE DURING THE PERIOD OF 2012-2013 (Received from Administrator 11/15/11)

Councilman Barad noted that the specifications when received are highly specific and refer to a particular truck or company and he questioned if the specifications could be written to obtain more than one bid. Mark Lupardi said that the Department does look for specific trucks since there are good and bad trucks; and the specifications are written to apply to at least two vendors so that the truck chosen would last for 20 years. It is more cost efficient to keep the same brand of truck for servicing purposes. Chris Pesce cited the current ladder truck, which was obtained from a reputable company but is now long gone as well as American LaFrance. The Committee goes to professionals who provide the information on trucks that are best for our use. Mr. Lupardi cited the specifications put forth in Northvale based on a Seagrave vehicle and Seagrave and Pierce submitted bids. They chose the Pierce truck at a major cost savings. He said that at this time the Pierce vehicle is the soundest piece of equipment on the market. He said that two vendors have been researched and a half a dozen trucks have been reviewed and we feel that we have chosen the safest truck. A Pierce truck is engineered differently with many advances in technology and one of the last trucks bought from Pierce had a major problem and Pierce did a \$17,000 refit on the truck. Borough Attorney said there will not be a particular vendor and the specifications will be drawn up on trucks based on the features determined by the Fire Department.

10. *POSSIBLE* RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH THE FIRM OF HAKIM ASSOCIATES TO PROVIDE ADDITIONAL PLANNING SERVICES FOR EVALUATION AND RECOMMENDATIONS CONCERNING A POSSIBLE AMENDMENT OR MODIFICATION WHICH WOULD PROVIDE FOR THE ENLARGEMENT OF THE AFFORDABLE HOUSING DISTRICT IN THE VICINITY OF VAN SCIVER STREET AND TO THE NORTH THEREOF,

PURSUANT TO PROPOSAL DATED SEPTEMBER 29, 2011 AND REVISED SEPTEMBER 30 AND OCTOBER 5, FOR AN AMOUNT NOT TO EXCEED \$6,700.00; SUBJECT TO THE SCOPE OF SAID CONTRACT AMENDMENT TO BE CONSIDERED AND ENDORSED BY THE PLANNING BOARD INASMUCH AS SAID SERVICES INVOLVE A POSSIBLE CHANGE TO THE BOROUGH MASTER PLAN, AND THAT SAID CONTRACT AMENDMENT ONLY BECOME FINAL UPON RECEIPT OF CONFIRMATION OF APPROVAL OF THE PLANNING BOARD (Received from Administrator 11/15/11)

Councilman Kashwick questioned the need for the resolution at this time and Mayor Heymann said that an offer has been received from United Way to potentially build on a piece of Borough owned property, which when acquired, a waiver would be needed because the property is located in Zone B residential and would not accommodate the kind of facility they wish to build. Going to the Zoning Board of Adjustment is a long and expensive proposition but possibly Mr. Hakim, the Borough Planner for Fair Housing, could change the District and include the property in the overlay of the Fair Housing District. This would be a simpler operation. United Way is prepared to make an arrangement whereby the Borough would get paid for the property they would be using; and the Borough would be providing more low cost housing, which in this case would be for physically disabled persons. The property in question is on Van Sciver Street across from Spectrum for Living. Borough Administrator said the property is adjacent to the Capital Hardware site and located in a residential zone. The property would never be used for residential housing. Mayor Heymann said that the present COAH zone is adjacent; and the use of the Borough property would extend the zone southward. A recommendation from the Planner would be needed. Borough Engineer said there are two Borough owned lots, one of which is zoned for affordable housing. Mayor Heymann said that across from the property in question are two homes that are vacant and have been on the market for a long time; and on the south corner of Van Sciver is one private home which would not be included in the zone. Councilwoman Amitai noted that the property is a green strip with trees.

In answer to Jesse Rosenblum, 65 Knickerbocker Road, Councilman Dolson said it would not be appropriate for United Way to be privately funding the study on the use of this property.

In answer to Jerry Boyarsky, 102 Venus Drive, Mayor Heymann said that low cost housing is still an obligation; and the plans that have been approved by COAH are still valid. Councilwoman Amitai asked if we had planned to use the areas above our downtown stores for COAH type housing. Mayor Heymann said that same could be used for low cost housing but the property in question would be used for physically and mentally disabled persons. It would serve the same purpose of providing affordable housing for the Borough's obligation.

10a. TRANSFER RESOLUTION NO. 2

Borough Administrator noted that this Resolution is needed to transfer funds into the Other Expense line item for the Police Department.

At this time, Mayor Heymann referred to Item No. 1 on the Mail List of 12/1/11 from the Construction Official which was distributed to the Governing Body on 11/18/11. She asked that consideration be given to a resolution for the possible appointment of a back up Electrical Inspector. There was agreement that this matter would be considered at the next meeting.

Borough Administrator referred to the placement of the Crèche in front of Borough Hall and noted that the date for same is prior to the next meeting. He suggested that approval of same be given subject to receipt of insurance approval.

6. COMMITTEE REPORTS

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

Councilman Dolson thanked the Borough Administrator for introducing the Transfer Resolution noting that it is a modest \$5,000 transfer from one line item to another. That indicates we have been budgeting well for the whole year and spending prudently.

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson reported the Committee is in the process of previewing some revisions/additions/changes/improvements to the web site. He said hopefully in the next month or so they will be addressing the issue more thoroughly.

2) REPORT - Councilman Dolson made the following liaison reports:
a. Board of Health did not meet this month. He received an e-mail from the Board that they are continuing to visit and evaluate the prohibition of wild animal feeding trying to get the ordinance to be effective without upsetting the people who have a problem with it.
b. The Zoning Board of Adjustment is meeting tomorrow night; therefore, he has no report.

c. Ambulance Corps. had their regularly scheduled meeting last week where they welcomed two new members. When a new member joins the Ambulance Corps. they have to attend school for 240 hours; it is an incredible undertaking and the true spirit of volunteerism to want to help their community in that way. The Corps. answered over 750 calls so far this year alone which almost puts them in the same light as the fire truck – the ambulances don't last as long as they used to when they are used for that kind of volume. New officers have been elected and they will take office in January.

Mayor Heymann commended our Borough Administrator, CFO and especially our staff for staying within the bounds of a very tight budget. Also she wished to commend the Fire Department in addition to the Ambulance Corps. noting that they deserve everyone's plaudits for their special efforts. The Mayor and Council and audience offered a round of applause for the Fire Department.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden reported he had two items on public safety. They are in the process of negotiating a new PBA contract. They have had several meetings already and two more scheduled in December; so they hope to have it settled by Christmas. The Public Safety Committee is required to review applicants for promotion in the Police Department; and we have 12 Patrolmen in our department who are desirous of being promoted to Sergeant. An exam is scheduled for December 2nd and 3rd, and the Committee will be making recommendations after that.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported that everyone has been benefiting from

once a week garbage pick up. She voiced her opinion that we are in better shape than some other
6. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN) (Continued)

towns. The Library was functioning as a warming center during the storm and they pitched in however they could. Mrs. Latner thanked the members of the Fire Department in the audience for taking the time to come and clear up any questions regarding the Resolution for the fire truck because they could explain it better than anybody else.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported the Ordinance Committee did not meet yet this month due to weather conditions earlier in the month; or last week due to the League Convention, but will be meeting tomorrow.

2) REPORT – Councilman Barad reported he attended a concert in West Side Presbyterian Church for the Choir in Ridgewood. Northern Valley Demarest was singing there as well; and he feels they did a wonderful job. Dr. Barad announced for anyone interested that the holiday concert at the High School will be on 12/15/11.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee met a couple of times this past month to discuss various personnel matters; and they hope to come to resolution on those matters. There is another meeting scheduled for early December to discuss job descriptions; and they hope to put it to bed by the end of the year.

2) REPORT - Councilman Kashwick reported on the following:
a. Shade Tree Commission completed the mulching and maintenance of 5 years worth of tree plantings. Some new plantings were done prior to the storm after which even some of the new planting got knocked down. The Commission is in the process of assessing the storm damage. They will be going ahead with the take-down list they already had prepared; and they will be preparing another one for the Spring.
b. Environmental Commission met while he was at the League Convention; therefore, he had no report.
c. Historic Preservation Commission will not meet until next week; therefore, he had no report.

At this time, Dr. Barad mentioned the big branches hanging down on Homans Avenue up by Anderson Avenue. Mayor Heymann informed him that all of the big branches and major issues that have been reported will be taken care of. Dr. Barad questioned the process because he has no way of knowing which ones have not been reported. Mayor Heymann said anyone can report a branch; and all those on the record are being taken care of. Mr. Kashwick asked Dr. Barad to let Leslie (Weatherly) know about the issue. The Mayor said issues can also be reported to the DPW and the Borough Administrator.

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

1) REPORT – Mrs. Amitai informed she has been out of town; and, therefore, had no report.

7. 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 5/11/11 per request of Dr. Barad 4/26/11)

Mayor Heymann noted that the name change is taking place through the Ordinance Committee and the sign is up.

8. NEW BUSINESS

9. 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

Mayor Heymann opened the meeting to the public. No one wished to be heard.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

10. ADJOURNMENT

Motion to adjourn the Work Session was made at 8:35 p.m. by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on December 2, 2011
for approval at the
Regular Meeting to be held
December 14, 2011

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 December 14, 2011
Consent Agenda Item No. 19b.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – MONDAY, NOVEMBER 21, 2011 - 7:30 P.M.