

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – OCTOBER 12, 2011 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:05 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 and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

3. MAYORAL PROCLAMATION DECLARING THE MONTH OF OCTOBER AS
COMMUNITY PLANNING MONTH (12. M.L. 10/6/11)

Mayor Heymann read aloud and so declared.

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

The following Ordinances were introduced at the Regular Meeting held 9/14/11 and were published in The Record on 9/20/11 as stated in the Borough Clerk's affidavit of publication. Reprints of these Ordinances were posted on the Municipal Bulletin Board in accordance with Statutory requirements and copies have been made available to the general public:

- a. ORDINANCE NO. 2011:1105, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169, ARTICLE II, TRANSFER STATION, OF THE CODE OF THE BOROUGH OF CLOSTER"

Mayor Heymann opened the Public Hearing.

Steve Isaacson, 97 Columbus Avenue, questioned the hours of the Transfer Station and was advised that same is open during the week. Mr. Isaacson referred to a fine received by a member of the Chamber of Commerce for having an overfull dumpster. In speaking to the Health Department that issued the fine, it was indicated that same was borderline between Property Maintenance and the Health Department. These commercial dumpsters are used by the residents of the apartments because garbage cans are not available to them. He suggested selling special permits to the retail businesses to dump their excess recycling material at the Transfer Station. Mayor Heymann said that she would look into the matter.

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

Motion approving adoption of Ordinance No. 2011:1105 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- b. ORDINANCE NO. 2011:1106, "AN ORDINANCE TO AMEND CHAPTER 147 "PROPERTY MAINTENANCE" OF THE CODE OF THE BOROUGH OF CLOSTER"

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

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – OCTOBER 12, 2011 - 7:30 P.M.

Motion approving adoption of Ordinance No. 2011:1106 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- c. ORDINANCE NO. 2011:1107, “AN ORDINANCE AMENDING CHAPTER 183 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CLOSTER REGARDING PARKING”

Mayor Heymann opened the Public Hearing.

In response to Steve Isaacson, 97 Columbus Avenue, Borough Attorney said that the Parking Fund is approximately 20 years old; and Borough Administrator said that between \$10,000 and \$20,000 is in a separate trust fund. Borough Engineer said that a portion of the money was used to pave the postage stamp behind the South Parking Lot and striping of the access to that parking lot. Mayor Heymann said that all of the money that is collected must go into a trust fund and cannot be assigned elsewhere. Relative to development of real property, Mayor Heymann said it was hoped that the Perry Street property could be developed for parking, but it has not been cleared by the Department of Environmental Protection.

Jerry Boyarsky, 102 Venus Drive, questioned how many people paid for parking spaces during the last 20 years, how many spaces were paid for and how many spaces were provided. If spaces were not provided in 20 years, it is indicative that perhaps the parking spaces were never needed. Mayor Heymann said that the Borough has been actively trying to provide additional parking spaces by striping and trying to find creative new spaces such as the plan provided by the Borough Engineer for parking spaces along the railroad tracks. The proposal was rejected by CSX. The Borough Engineer did a study of all the parking in the Borough main center to try to join parking spaces. Some of the business owners were approached who did not go along with the plan. More spaces would be beneficial; and the Planning Board is in the process of amending requirements for parking spaces, which would mean less money being deposited into the fund.

Mr. Boyarsky said he felt the policy is regressive and that people are being held for ransom. The parking spaces are not needed and the Borough does not have a parking problem. The town has a traffic problem. People drive through and do not stop; and we would like this to change. He suggested that the Ordinance should not be approved inasmuch as the Council has not provided parking for anyone. The existing parking requirements are too onerous; and if lessened, the parking fund would not be necessary. Mayor Heymann said that the Planning Board has approved and is finalizing limiting the size and number of spaces for various businesses.

At this time, Council President Kashwick and the Borough Attorney reminded that the purpose of this Amendment to Chapter 183 was the result of the Borough Auditor suggesting a change in wording in the Ordinance from “Closter Parking Authority” to “Closter Parking Reserve”.

Mr. Boyarsky said the small portion of the Flamm property on the corner is mostly dry and could accommodate parking; and he suggested a land lease with Flamm at a reasonable sum of money. He also said there is increasing pressure for commuter parking which should be considered.

Jesse Rosenblum, 65 Knickerbocker Road, referred to a parking study done several years ago and suggested that the planner should give advice, based on the size of the business district, on the existing parking lot efficiency. He said that the private properties in the vicinity of the North Parking Lot should be considered for purchase to provide future expanded parking. Borough Attorney said that the Planning Board is considering a parking formula change; and if approved before any future applications, fewer parking spaces would be required.

Louise Boyarsky, 102 Venus Drive, noted that corporate residents are paying taxes and should be considered residents.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – OCTOBER 12, 2011 - 7:30 P.M.

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

Motion approving adoption of Ordinance No. 2011:1107 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- d. ORDINANCE NO. 2011:1108, “AN ORDINANCE REVISING CHAPTERS 16, ENVIRONMENTAL COMMISSION, AND CHAPTER 56, RECREATION COMMISSION, OF THE BOROUGH’S CODE”

Mayor Heymann opened the Public Hearing.

Councilman Kashwick referred to the wording “recreational area”; and Mayor Heymann said that the wording would make certain in the future that it would be understood that the Recreation Commission’s responsibility is with the active recreational areas and that the Environmental Commission would have jurisdiction over passive areas.

Jennifer Rothschild, 32 Hickory Lane, suggested a change in wording to clarify the areas of responsibility.

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

Motion approving adoption of Ordinance No. 2011:1108, as modified, was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai; Councilman Barad voting no.

5. PUBLIC HEARING RE REQUEST FOR WAIVER OF SIDEWALK & CURB REQUIREMENT PER BOROUGH CODE CH. 171, ART. V, 29.A. FOR THE FOLLOWING PROPERTY:
a. BLOCK 2305, LOT 11.01, 256 PARSELLS LANE, Roy Freidman (1. M.L. 9/29/11)

Mayor Heymann noted that there was no one was present to address the request for waiver; therefore, the item was adjourned to the next meeting.

- 6a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 8 and 20 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

7. BILL RESOLUTION – OCTOBER 15, 2011
TO BE PREPARED BY DEPUTY TREASURER
8. ~~8.~~ POSSIBLE RESOLUTION AWARDDING 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; RM 5/11/11; RM 5/25/11 – Borough Attorney advised at this meeting the need for the Planning Board to put in writing a request that further information be provided regarding the RFP’s submitted for consideration since the deadline for award is past 30 days; Adjourned from RM 6/8/11; RM 6/22/11; RM 7/13/11; 7/27/11; 8/10/11; 9/14/11; 9/27/11)
9. RESOLUTION NO. 7 RE AD INTERIM PERMIT
10. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2010 & 2011: NIPPON EXPRESS USA INC. V. CLOSTER (Received from Borough Attorney 9/29/11)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – OCTOBER 12, 2011 - 7:30 P.M.

11. RESOLUTION AUTHORIZING THE TAX COLLECTOR TO TRANSFER THE FOLLOWING TAX RECEIVABLES IN THE AMOUNT OF \$2,989.32, PER MEMO FROM TAX ASSESSOR (Received from Tax Collector's Office 9/28/11):
FROM: BLOCK 1705, LOT 1, ASSESSED TO LAMBROS, TOM & BARBARA, 253 MADISON AVENUE, FOR 1ST AND 2ND QUARTERS 2011
TO: BLOCK 1705, LOT 5 ASSESSED TO TOMBAR LLC, 395 CLOSTER DOCK ROAD, FOR 3RD & PARTIAL 4TH QUARTER 2011
12. RESOLUTION AUTHORIZING EXECUTION OF AN OPEN SPACE TRUST FUND GRANT CONTRACT WITH THE COUNTY OF BERGEN IN THE AMOUNT OF \$37,500.00 FOR THE PROJECT KNOWN AS VETERAN'S MEMORIAL FIELD PLAYGROUND (Received from Administrator 10/4/11)
13. RESOLUTION AUTHORIZING EXECUTION OF A CDBG CONTRACT WITH THE COUNTY OF BERGEN IN THE AMOUNT OF \$20,000.00 FOR ADA ACCESSIBILITY IMPROVEMENTS TO THE CLOSTER PUBLIC LIBRARY (Received from Administrator 10/4/11)
14. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$8,345.57 TO BRUCE J. STAVITSKY, ESQ. & MEWANI, ASHOK & MONA FOR BLOCK 1405 LOT 7 DUE TO TAX COURT JUDGMENT RENDERED 9/30/11 FOR 2010 & 2011 REAL ESTATE TAX OVERPAYMENT (Received from Tax Collector's Office 10/5/11)
15. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$3,269.75 TO CORE LOGIC FOR BLOCK 2404 LOT 23 DUE TO REAL ESTATE TAX OVERPAYMENT IN THE 3RD QUARTER 2011 (Received from Tax Collector's Office 10/6/11)
16. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$1,248.06 TO GALCIK, JOHN FOR BLOCK 1805 LOT 8 DUE TO TAX COURT JUDGMENT RENDERED 9/30/11 FOR 2011 REAL ESTATE TAX OVERPAYMENT (Received from Tax Collector's Office 10/6/11)
17. RESOLUTION REVISING THE WORK SCHEDULE AND COMPENSATION OF THE CFO/TREASURER/QUALIFIED PURCHASING AGENT EFFECTIVE OCTOBER 1, 2011 (Received from Administrator 10/6/11 @ 1:33 p.m.)
18. RESOLUTION STRONGLY OPPOSING S-2887 (REGARDING ESTABLISHMENT OF A NEW CATEGORY OF FARMLAND-BASED WIND ENERGY GENERATION PROJECTS ON FARMS THAT REQUIRE NO REGULATORY REVIEW OTHER THAN LIMITED MINOR SITE PLAN APPROVAL) (Received from Councilman Kashwick 10/07/11)

MOTIONS

19. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 10/7/11) ABSTENTIONS: DOLSON, LATNER
 - a. REGULAR MEETING OF SEPTEMBER 27, 2011
 - b. WORK SESSION OF SEPTEMBER 27, 2011
- ~~20.~~ 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	Reorg.1/04/11	_____	2 Year	12/31/12

21. MOTION APPOINTING DEAN PIALTOS AS ASSOCIATE MEMBER OF THE RECREATION COMMISSION FOR A 1-YEAR TERM TO 12/31/11 (Requested by Mayor 9/27/11)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – OCTOBER 12, 2011 - 7:30 P.M.

22. REPORTS

a. CONSTRUCTION OFFICIAL – SEPTEMBER 2011 (Received 9/30/11)

At this time, Borough Administrator referred to Item No. 9 on the Mail List of 10/6/11 from James Kolacia asking for waiver of \$65.00 construction permit fee for temporary ramp at 205 Demarest Avenue on behalf of his father Joseph C. Kolacia.

22-1 The following motion was made by Councilman Kashwick, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai:

MOTION APPROVING THE WAIVING OF \$65.00 PERMIT FEE FOR TEMPORARY WHEELCHAIR RAMP AT 205 DEMAREST AVENUE (9. M.L. 10/6/11)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the Consent Agenda for separate discussion and vote.

23. 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)

Jennifer Rothschild, referred to the following matters: Regarding Item No. 8, she was informed that it was withdrawn. Regarding Item No. 6, “Professional Reports”, A. “Borough Attorney”, 2) “Sustainable Development Ordinance/Historic Preservation Commission Ordinances” on the Work Session Agenda., she explained that since it mentioned Sustainable Development/Historic Preservation Commission she would like to know what it is all about. Borough Attorney explained it was forwarded to the Planning Board from the Mayor and Council and was later withdrawn. He added that we never received any details about it.

23a. Motion approving the following Resolution at 9:45 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann on the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Dolson and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations” and N.J.S.A. 10:4-12(b)(8), “A matter involving public employees”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 6-8 weeks.

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

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

Borough Attorney advised that during the Closed Session, the Council directed him to send a notice letter to Denny Wiggers and any other property owners that are affected along Westminster following the Court decision scheduled this Friday before the Honorable Judge Alexander Carver. In response to Councilwoman Amitai’s addition that if the Judge postpones the decision, Mr. Rogan voiced his opinion that although he was sure it would be heard on Friday; there was a possibility that the Judge may not render a decision that day.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – OCTOBER 12, 2011 - 7:30 P.M.

25. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:12 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 October 21, 2011
for approval at the Regular Meeting
to be held October 26, 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 October 26, 2011
Consent Agenda Item No. 16a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES– OCTOBER 12, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, October 12, 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 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
Victoria Amitai (7:45 p.m.) and Arthur Dolson
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Deputy Police Chief, Dennis Kaine

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF SEPTEMBER 29, 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. Item No. 1 was removed by Councilman Kashwick.

Item No. 1: Received 09/23/11 Hand del'd, dated 09/22/11 from Roy Friedman, 32 Patton Lane, Applicant re Request for Waiver of Sidewalk Requirements for property located at 256 Parsells Lane, no Block/Lot provided; photos of Parsells Lane illustrating lack of sidewalks and Curb & Sidewalk Permit attached

Councilman Kashwick questioned if we could come up with an overall list of where they would like sidewalks and where they could possibly have waivers to avoid going through this process each time. The Borough Engineer noted the general policy of the Borough that does not vary much has been that sidewalks would generally be waived on dead end streets where there is a low volume of pedestrian traffic or conflict with high volume traffic roads. They are definitely never granted on a County road and usually not on through streets that are Borough streets. He reiterated this is general policy and noted that presently there is no formal map stating the roads. Dr. Barad voiced his opinion that people certainly could appear before the Council but perhaps they should note on the web site what the historic policy has been so they are aware of what likely will happen in the future. He said it is the people's right to come and ask. Councilwoman Latner informed that at the DPW

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – OCTOBER 12, 2011 - 7:30 P.M.

meeting held this morning, they had discussed the possibility of a prioritization because if you start declaring exceptions, there will be people who will come and ask; but if we keep making exceptions to the rule, we'll never get the sidewalks installed. Dr. Barad voiced his understanding that it's not a question of a hardship of the owner; there are reasons such as structurally, not practical or too close to a stream.

The Borough Engineer explained one instance was on Closter Dock Road where the slope went down; there is a legitimate reason and a history there. He said he believes there is a sidewalk on the other side at that location that was being started further down the road. Mr. Kashwick suggested specifying that unless it is a dead end street, a waiver will not be granted. Mr. DeNicola explained that if one appears before the Zoning Board of Adjustment and is turned down enough for variances, word gets around that the only thing the people would be doing is wasting their time. He said if they abide by their policy consistently, word circulates quickly.

Mayor Heymann explained the result of the discussion this morning was that it warranted having a priority list of sidewalks that need to be installed, rather than where there aren't any as of right now. She said that in any case, a new building or thoroughly renovated building requires sidewalk installation if it isn't there already. Mayor Heymann explained that whatever would be spent on the sidewalk at that location, which might not be necessary if it was a dead end or what not, that money could be spent in a location where it is most needed. That could be enunciated into a regular policy so there would be no question that a sidewalk would have to be built for that equivalent amount of square footage.

Dr. Barad voiced his understanding that the Mayor's suggestion is not to make a statement of what we're not going to improve, but a positive statement that this is where the Council wants to see sidewalks. Mr. Kashwick voiced his disagreement with the theory because he feels it is still being more arbitrary than what it could be. Councilman Dolson said the street behind him is Maplewood Road; and he explained that over the past 10 plus years there has been new construction; except for two corner houses on Anderson, every house has been replaced. There are contiguous sidewalks and curbs; and he feels it is neat, very tailored and still suburban; he doesn't find sidewalks and curbs offensive. He said that, in fact, he wished he had the funds to replace the sidewalk in front of his own home because it is becoming eroded from water off Closter Dock Road.

Mayor Heymann voiced her opinion that the point is that Closter needs sidewalks in certain areas where there aren't any; and we've done the best we could with the money that has been put into the sidewalk reserve fund. She said we could establish a policy that sidewalks need to be installed in all of Closter, but on a priority list in those places where there are definite areas where there is a missing piece of sidewalk and places where there is a lot of pedestrian traffic. This as opposed to telling people just because their new house is being built in "x" location, that's where the sidewalk has to go. In other words, there is no question that an equivalent amount of sidewalk has to be built in Closter. She voiced her understanding that the question here is whether it should always be built in front of the newly constructed house or whether it should be built where it is needed the most. The Mayor said it's not a matter of excusing anybody from building the sidewalks and it's not a matter of having less sidewalks in Closter.

Council President Kashwick voiced his understanding that is pretty much what we already have; when we can do a project, we do it and put it where we want it. Mayor Heymann disagreed and said what we want is for people to build a sidewalk in front of their homes that they are building right now. She said if on the rare occasion we give them a waiver, the money goes into the sidewalk fund. At that point, we don't have a priority list except verbally.

The Borough Engineer affirmed same and said not until we have a project do we have a priority list. Dr. Barad questioned if we have built sidewalks with the money from the fund; and Mayor Heymann affirmed same. Mr. DeNicola elaborated that they were built on Knickerbocker Road, Harrington Avenue and Piermont Road. Councilman Glidden questioned how those priorities are established. The Borough Engineer explained if there is a County road with no sidewalk, there would be a priority to put a sidewalk there where people need to get from one point to another on that County road and there are speeds in excess of 35 mph and bus stops. Mr. Glidden questioned if the Borough

Engineer determines that, to which Mr. DeNicola responded in the negative and explained the Council decides. Dr. Barad questioned what triggers spending that money. The Borough Engineer explained that when the sidewalk fund accumulates sufficient money to do a worthwhile project in excess of \$50,000, it is determined where it is desirable; it is not worth the money to do 100 feet at a time.

b. MAIL LIST OF OCTOBER 6, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 9 was removed by the Borough Administrator; Item No. 7 was removed by Councilman Dolson.

Item No. 9: Received 10/04/11 Hand del'd, dated 10/04/11 from James Kolacia, Power of Attorney for Joseph C. Kolacia, 205 Demarest Avenue re Requesting waiver of permit fee in the amount of \$68.00 for a temporary ramp that was installed in July 2011 at 205 Demarest Avenue (Copy to Quentin Wiest 10/4/11) Copy to Construction Official

The Borough Administrator explained this is a waiver request for a wheelchair ramp. He voiced his understanding that these have been erected before in the Borough; and explained they are almost temporary structures. He said they are aluminum and can be taken down at a future point in time. The Building Department, upon checking, realized that they had to charge a construction fee for this; under our ordinance, the fee is \$65.00 plus \$3.00 which is a State requirement. The resident was advised that in the past the Council has waived fees for these particular types of structures. Mr. Wiest said that whatever the Council decides, they can waive the permit fee but not the \$3.00 State fee.

At this time, the Borough Clerk informed she was only aware of one other incidence in the past where a waiver was granted for this type of request; and it was because the resident was a disabled veteran and did not have the funds to pay for same.

Item No. 7: Received 10/05/11, dated 10/05/11 from Jerry Boyarsky, President, Closter Chamber of Commerce re Requesting permission to serve wine and beer at the next Chamber of Commerce Meet & Greet Event to be held mid November at the Closter Senior Citizens Center - date to be determined (copy to Glenn Parsells, Bill Brewster)

Councilman Dolson noted he does not remember a venue where permission was even given to use the facility. The Borough Attorney affirmed same and said not from this table; approval has not yet been given. Mr. Dolson said that since it is a government building, he felt it would be an inappropriate precedent to begin to allow private people to have parties in a government building; that could lead to christenings, baptisms, engagement parties or whatever the case may be. He voiced his understanding that this is not a government organization; therefore, he feels they should not start a precedent here. Mayor Heymann voiced her understanding of his point and said it was well taken and explained none of the other organizations that are semi-public organizations use the building such as the Chamber of Commerce. Mr. Dolson pointed out that this is a request from the Chamber of Commerce; and the issue is they want to serve beer and wine at the Senior Citizens center. In response to Mayor Heymann he said there are plenty of other venues such as the Elks, which had been used in the past; and does not feel it is a good idea to use a government building to sponsor private events. Mayor Heymann said in terms of his comments she wanted to explain the building has been in use by numerous other non-governmental agencies who have never appeared for permission from the Council for use of same. The Borough Attorney informed that any organization wanting to use that building must request permission and provide a Certificate of Insurance and Hold Harmless Agreement. Mayor Heymann responded that to the best of her knowledge that has not happened but maybe it should and the Borough Attorney agreed. The Borough Administrator reiterated the request is for serving wine and beer; he doesn't know that they are asking for permission to use the building. Mr. Dolson said it is the assumption that they are and Mayor Heymann agreed. He said it's not like they are asking permission to serve beer at the Elks or one of the churches; they're asking to serve it at the Senior Citizens building; and he was questioning if they had permission to use the building in the first place. Dr. Barad voiced his understanding that no government functions go on there; it's a meeting place for seniors and others in the community. He feels the Chamber of Commerce is a quasi-public organization and he

would not think it is an inappropriate use for the space.

Mrs. Amitai entered the meeting at this time.

Mayor Heymann voiced her understanding that Mr. Dolson is not questioning the appropriateness of the request but whether or not permission has been specifically granted. Dr. Barad said it raises the question of whether they should hold religious celebrations there and the possibility of same. He thinks this is different than those things. Mrs. Amitai agreed with Mr. Dolson that it should not be permitted for use for non-governmental functions. Mayor Heymann reiterated that there has been use; and in response to Mrs. Amitai, she named the Republican and Democratic Clubs as an example. Mayor Heymann said the Women's Club in the past used to use the building; and all of these organizations are of the same category; and she doesn't know why they would make an exception for the Chamber of Commerce. She said, however, all of these organizations may be wrong; and they need to obtain permission to use the building. She does not feel that they should specifically mention the Chamber of Commerce as violating the rules. Dr. Barad said giving permission is fine but they have to have insurance and follow the appropriate procedures. The Mayor agreed all of those organizations have to have these things but they go through the Senior Citizens board instead of the Council. She said if they want to change the rules, that's fine but she doesn't feel they should deny the Chamber of Commerce for that reason. Mr. Dolson clarified this is the first time he has personally encountered such an item and that's why he brought it up; he said he is not excepting the Chamber of Commerce as opposed to any other group.

Mr. Wiest explained that in his short experience, organizations typically contact the Borough for use of the building; and there has been a procedure that was in place long before he arrived. He voiced his understanding that they check with the Seniors for the use of the building because it was built for seniors with Community Development Funds. The Seniors check their calendar for conflicts; and he has never known the Seniors to not allow some other organization to use the facility. He said we also have an insurance procedure we request from them which is the same for many other functions in town; the difference is the request for use of the facility goes to the Seniors first; and the request for insurance comes from the Borough, which has been the custom. Mr. Wiest said he doesn't think he's ever dealt with a request for alcoholic beverages so that decision is up to the Council; but as far as who gets to use the facility and how the process works, that is what happens.

In response to the Mayor, the Borough Clerk explained that as far as communication is concerned, whenever the Seniors receive a request, it would be advisable that the Mayor and Council be copied in on it because it is a Borough building. The Borough Attorney informed nobody should be in there without a Certificate of Insurance and Hold Harmless Agreement approval (from our Risk Management Consultant). Mayor Heymann agreed and said the Seniors are aware of that. Mr. Wiest said we generally get cooperation in that regard; and all of the requests have been from a civic type of organization. We just processed one for the Girl Scouts which had insurance in place that was renewed with no issue. Mr. Wiest voiced his understanding that the Chamber falls into the same category. Mayor Heymann said they certainly have the right to separate the occupancy from the serving of alcoholic beverages. The Borough Clerk reminded that the Belskie Museum has been granted approval to serve wine at their functions and questioned if this was similar.

Steve Isaacson, Director of the Chamber of Commerce, 97 Columbus Avenue, wanted to clarify what is going on. He said they are trying to bring the town together and there are specific groups that are attracted to functions that serve soft alcoholic beverages. He said they could go to the Elks Club which would cost them \$15 per head; but they were hoping to ask the governing body where they could hopefully spend a lesser amount to spend more money on having a better event and attracting more people. Mr. Isaacson explained the intent is not about partying, it's about bringing different factions of town together. He said it's like trying to fish; but you can't fish without an empty hook; and in this case, the bait is soft alcohol. Mr. Isaacson pointed out that in respect to what the Borough Clerk said, anyone who wants to have a function at the Belskie can serve soft liquor there. Ms. Castano clarified

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – OCTOBER 12, 2011 - 7:30 P.M.

that is in the Belskie; and Mr. Isaacson pointed out that it is still connected to the Library, which is a government building, and they may be open at times when the Belskie is having a function and serving alcohol. He feels on a case-by-case basis it would behoove them to think about allowing certain groups which are social. Mr. Isaacson said this is not about that; it is commercial and it's about bringing the town together. He said if they don't want to grant permission to use the building, that would be fine; they will go to the Elks Club and pay \$15 a head like they did before and everybody had a wonderful time; and they will have to charge money because they have a limited budget; so they would appreciate a little help from the Mayor and Council, not only this time, but for times in the future.

Dr. Barad reminded that no decision has been made, it is simply informing them of the request and he doesn't know that there is a precedent for voting or approving any of these requests. He voiced his understanding that the Seniors approve it. Mayor Heymann voiced her opinion that Ms. Castano was correct in what she explained; and it is a matter that people will make the request, sometimes for a whole year or multiple years; and the request is eventually approved by the Seniors and the insurance and Hold Harmless are always collected by the Borough because there is no other way. Dr. Barad suggested once we have that, we would take a vote. The Borough Clerk explained the serving of the wine is the second step; the first step you want to take care of first and then the second step. In response to Dr. Barad, the Borough Attorney informed there would be two separate votes and a separate application for the serving of alcohol, not necessarily to the Mayor and Council. He said it is a request from the Borough – not to A.B.C. and they could say they don't object to it. The Council has the right to object or not; but they do not have the right to authorize them legally vis-à-vis the State of New Jersey. That is something they have to do outside this table. The only thing we can do is say we have no objection to their being there and no objection to them applying to serve alcohol. The Borough Clerk asked for clarification if there is a difference between the Belskie serving wine at the museum and the Chamber of Commerce wanting to serve alcohol at the Seniors. She said there is something else that comes into play which is a permit from the Division of Alcoholic Beverage Control for a Social Affair permit.

Jerry Boyarsky, 102 Venus Drive, explained that he wrote the letter to the Mayor and Council because he was told there were two steps to the process. The first step was to speak to the people in charge of the Senior Citizens Center, which he did and they agreed it was okay. The second step was to write the Council with a simple letter if there was a form or other type of document, he said he would be happy to submit it to them. In response, Ms. Castano informed the form is promulgated by the Division of Alcoholic Beverage Control; and asked Mr. Boyarsky to call her tomorrow to discuss same. She also noted there was no date provided; Mr. Boyarsky said several people suggested it would be important to have this; but if they are rejected at the Council, they will have to go somewhere else, so no date was picked. He reminded that in the letter, he stated they wanted to do it some time in mid-November; and in response to the Borough Clerk, he affirmed the Seniors were okay with that timeframe. Ms. Castano explained at this time that the form costs money. Mr. Boyarsky reiterated his understanding that he was told the only two things he needed to do were to get permission and to write a letter for permission from the Mayor and Council, which he did. He said if they have a vote and this permit is required, then no; he said as far as he has been told, that was all they needed. They are not selling anything and it is not a profited sale; it is a party.

The Borough Attorney asked for clarification that they would not be charging admission or holding a raffle or any other kind of thing. Mr. Boyarsky explained they have a sponsor for the event who is covering the expenses, and this is all still in preliminary stages. At this point he does not know if it will be gratis or if there will be a small charge. The Borough Attorney advised that if they get involved in any type of a charge, even a charge for a cup, A.B.C. regulations kick in, just so he is aware. In response to Mr. Boyarsky, he said that it has gone so far that A.B.C. says that even if you charge a fee of \$1.00 for the cup, it is selling alcohol. Mr. Boyarsky said at the last Meet and Greet they had a cover charge; and Mr. Rogan informed that any exchange of money where alcohol is being served kicks in A.B.C. regulations. Mayor Heymann said the reverse of that is if there's no charge of any kind, like at

the Belskie Museum, you can avoid that. Mr. Boyarsky said his Rotary Club held events at the Belskie and there was no charge because it was a party, but they did have to pay the Belskie Museum. The Borough Attorney clarified that was rent they paid to the Belskie. He explained that the way A.B.C. looks at it is if somebody goes to a “party”; we had this issue with a fundraiser that was proposed a couple of years back at a private house, and they wanted to do that, but they wanted to charge a price to get a cup; but it was a fundraiser; and A.B.C. took the position that it was not allowed. Mayor Heymann explained the Belskie Museum comes to the Council for permission to serve wine.

Steve Isaacson questioned if they charged for food instead of alcohol, would it be the same thing. The Borough Attorney shook his head in disagreement, and Mr. Isaacson voiced his understanding that it is any money at all that exchanges hands. He then asked about B.Y.O.B. and Mr. Rogan questioned if there would be any charges to which Mr. Isaacson said everybody would walk in with their own bottles. The Borough Attorney advised he is not sure about that but said it then becomes other issues; he doesn't think that that per se would create a problem. With Borough permission, it would be like the Buon Gusto restaurant to be granted BYOB, so there's no trigger there. You might be able to get away with that; but if you are charging for anything else there, that sounds like it could be offsetting the cost of the alcohol; then A.B.C. will have issue. Mr. Isaacson reiterated what Mr. Boyarsky said and the Borough Attorney said he simply wanted to make sure they do not get in trouble with the Division of Alcoholic Beverage Control.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of October 12, 2011)

Mayor Heymann asked whether any member of the Council or public wished to remove for discussion any of the following Consent Agenda Items: Mayor Heymann removed Item No. 8; Borough Clerk removed Item No. 17; Councilman Kashwick removed Item No. 18.

8. *POSSIBLE RESOLUTION AWARDDING 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; RM 5/11/11; RM 5/25/11 – Borough Attorney advised at this meeting the need for the Planning Board to put in writing a request that further information be provided regarding the RFP's submitted for consideration since the deadline for award is past 30 days; Adjourned from RM 6/8/11; RM 6/22/11; RM 7/13/11; 7/27/11; 8/10/11; 9/14/11; 9/27/11)

Borough Attorney explained he had major concerns about this item. Mayor Heymann informed she is removing it. Mr. Rogan reminded that this process began in February, and we have been waiting for clarification from the Planning Board as to what this Planner idea is all about and what we are looking for them to do. We finally received it (6. M.L. 10/13/11 – hard copy distributed to the Mayor and Council 10/12/11); the problem is that these two positions were approved by Resolution of the Mayor and Council in March by virtue of RFPs in accordance with the Fair and Open laws. On February 28, 2011 we received four particular areas to be commented on by the planners; but the information received October 11, 2011 has been greatly expanded; and the bulk of what they said they are going to do is not in our Resolution which was adopted by the Mayor and Council, nor was it part of the RFP which asked for comment on John Street and Railroad Avenue, the Industrial area, Piermont Road between High Street and Homans Avenue and the Conservation Zone. The additional items refer to Closter Plaza, the Affordable Housing aspect and Cell Tower relocation; they appeared last week.

Mr. Rogan added that the problem is the way our Resolution was worded; the Council is charged with determining quotes from planners which were opened March 30, 2011. These quotes are dated the end of September/beginning of October and they are completely different from what was advertised. He said he has spoken to the Planning Board Attorney; and he is in agreement that the

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – OCTOBER 12, 2011 - 7:30 P.M.

Council should review the most recent information conceptually and decide if this should go forward. In essence, the Council would say they agree with it and to redo the RFPs; and, if not, the Council would be in violation of the law. If this is not done, we run far afoul of the pay to play laws.

Mayor Heymann said that the contracts should not be approved but that the concept could be approved. The Planning Board would draft an RFP for presentation to all the applicants on an equal basis. Borough Attorney emphasized that there are ten rather than the original four. We advertised for four and received ten.

Councilman Barad asked if we could ask them to send us back a proposal for the things we asked for and discuss the others separately. Mayor Heymann said we can do that but it would set us back more. Dr. Barad said we don't even know if we want those expanded concepts. The Mayor suggested if we discuss this and come to some form of consensus, we can let the Planning Board know that there is a consensus on the part of the Council for the broadened particulars; and at that point, the Planning Board can write an RFP that will be passable. If it does not take place, the Planning Board would write the RFP, present it to the Council for approval and then the next month it will be published.

Borough Attorney clarified they originally responded to our RFP but the Planning Board changed everything and expanded on it. He referred to the Hakim proposal (dated September 29, 2011 Rev'd. 9-30-11; 10-5-11) which stated as follows: "I. Introduction", The Client's RFP, as provided and modified by Arthur Chagaris Planning Board Attorney...."

Dr. Barad asked if we could approve the part we requested. The members of the Council disagreed with that as the Borough Attorney explained we would have to cross out more than half of it; and the Borough Engineer added that it would cost more.

Mayor Heymann said that after discussing it, it did not seem practical or in sync with the intent of the law. It is not appropriate and does not provide an even bidding table for every possible applicant and should be rewritten.

In response to Council President Kashwick's inquiry, Borough Attorney advised even if we wanted to vote on this, we could not do so since it has changed markedly. It has to disappear and be redone. Mayor Heymann explained we could approve it in concept. The Council members were not in agreement to do anything further at this time. Councilman Dolson said that two of the four applicants from the March 30th RFP responded and the other two were not notified to respond. Borough Attorney confirmed what Mrs. Amitai said that we asked for clarification and received additions rather than clarification, which is a problem with pay to play and competitive bidding.

Dr. Barad voiced his wish that there was more communication between the various attorneys prior to this appearing before the Council noting that it must have taken more than one afternoon for the Planning Board Attorneys to prepare this. The Mayor added that the meeting was last week. Borough Attorney said it was his understanding at the Planning Board Sub Committee meeting that the Council would be receiving a revised resolution clarifying what they were asking us to do. He didn't know that six items were going to be added. Mrs. Amitai explained that the Planning Board Attorney was unable to attend that meeting. Someone else came in his place and there may have been miscommunication. Mr. Dolson referred to the verbiage in the proposals and noted it appeared to be assenting to what they were asked to do such as approving certain types of zoning changes. They did not write that should there be one. They are addressing this. Mayor Heymann said it was not the intent. He referred to the mention of Piermont Road on the east side where they are talking about professional offices, multi use and so on. His point was how did they get the idea to include it. He added that this is another addition to commercial creep in this community and wipe out residential. Mayor Heymann said the original proposal was approved by the Mayor and Council; and the intent was to clarify the present use or the slightest modification. It is the opposite of what he is saying.

At this point Mayor Heymann questioned the choice of the Council noting that they will start from scratch. Dr. Barad explained they would read it and discuss it.

17. RESOLUTION REVISING THE WORK SCHEDULE AND COMPENSATION OF THE CFO/TREASURER/QUALIFIED PURCHASING AGENT EFFECTIVE OCTOBER 1, 2011 (Received from Administrator 10/6/11 @ 1:33 p.m.) Corrected version received from Administrator 10/12/11

In response to the Borough Clerk's inquiry regarding the corrected version, Borough Administrator explained that the HR committee has approved an increase in the number of work hours and there are no further changes. Health benefits are not included but all other benefits for part time employees are provided as outlined in the Personnel Manual.

18. RESOLUTION STRONGLY OPPOSING S-2887 (REGARDING ESTABLISHMENT OF A NEW CATEGORY OF FARMLAND-BASED WIND ENERGY GENERATION PROJECTS ON FARMS THAT REQUIRE NO REGULATORY REVIEW OTHER THAN LIMITED MINOR SITE PLAN APPROVAL) (Received from Councilman Kashwick 10/07/11)

Council President Kashwick asked for confirmation that the corrected version was received by the Borough Clerk on 10/12/11 and Mayor Heymann confirmed same.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE CONTRACTS:

- a. PROFESSIONAL PLANNER - MASTER PLAN (Opening held by Borough Clerk 3/30/11 @ 1:30 p.m./Possible Award RM 7/13/11) – The Borough

Attorney reminded this was previously discussed under Consent Agenda Items.

2) SUSTAINABLE DEVELOPMENT ORDINANCE / HISTORIC PRESERVATION COMMISSION ORDINANCES (Requested by Borough Attorney 4/6/11 & 5/11/11)

The Borough Attorney reported the Sustainable Development ordinance is part of the same issue as the Planner and we are waiting for clarification.

3) STATUS REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR PURCHASE OF A STREET SWEEPER

(Approved RM 9/27/11) – The Borough Attorney reported he was authorized to go forward with that and he is waiting for specifications. Mr. Wiest informed that will be coming from him but he has not gotten to it yet. Mr. Rogan informed he will carry the item and presumably if he receives the specs between now and the next meeting, he will have them prepared.

4) REPORT – The Borough Attorney reported on the following:

a. Tax Appeals – This year there were approximately 100 cases heard, settled or withdrawn before the County Board. The judgments will be forthcoming from the County Board; we expect them to be primarily affirmed and that our assessments will be upheld. There are currently five commercial and two residential appeals pending in Tax Court; one for vacant land, which was the Flamm property which was talked about earlier. We anticipate more tax court appeals will be filed. Once we get back the County Board decisions, which we expect a majority of which to be upheld, the individual taxpayers then have the right to file directly to the tax courts; so we expect a couple more tax filings in the next couple of weeks. For 2010, there were a total of 33 total tax court appeals filed and 12 are still pending; for the most part Closter has fared very well compared to most other towns in Bergen County.

- b. Mr. Rogan informed he had one Closed Session item regarding personnel.

At this time, Council President Kashwick questioned the status of the discussion held recently regarding the wildlife ordinance and the note to be sent to the Board of Health. The Borough Attorney informed he sent a letter to Donald Winters, President of the Board of Health, and he also spoke to him in follow up. Mr. Winters acknowledged and understood the concerns and advised they would discuss it and get back to him. Mr. Rogan voiced his understanding it is probably on their Agenda for tomorrow night's meeting because he wrote and spoke to him.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER

- 1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT NJDOT \$275,000 - Authorization to proceed rec'd 8/9/11; Bid Opening to be held 9/23/11 @ 11:30 a.m. (Notice to Bidders published in Star Ledger and The Record)

The Borough Engineer reported this project was awarded to Marini Bros. in the amount of approximately \$180,000. This is a federally funded project and that information including our Resolution and bid tabulation has been sent to the NJDOT for concurrence of award. Once that happens, we will schedule a pre-construction meeting with the contractor and interested parties, Borough and residents. This project will probably not get a shovel in the ground until next Spring because at this point it is already October/beginning of November. He anticipates construction will begin in March or April.

- 2) STATUS REPORT RE HERBERT AVENUE IMPVTS., SECTION 4 (2011 NJDOT Municipal Aid - \$145,846; Closter - \$5,000), MEMORIAL FIELD BASKETBALL COURT IMPROVEMENTS (2009 Bergen County Open Space Trust Fund \$37,500/Closter Open Space Trust Fund \$37,500) AND RUCKMAN ROAD IMPROVEMENTS & CRACK SEALING (remaining Funds from 2009 Road Improvement Program - \$51,895) Contract awarded (RM 4/26/11) to AJM Contractors

The Borough Engineer reported that as most people are aware, Ruckman Road and Herbert Avenue have been completed. There are a couple of punch list items remaining on both streets namely ponding in one of the inlets, DEP head and some signing are remaining punch list items. Memorial Field basketball courts are under construction. They started the rectification of the unsuitable sub-grade that was discussed at the last meeting; that is proceeding well with all of the stone placed; and they are in the process of doing the dense graded aggregate on top of the stone. The process seems to be working; and if the rain holds off, it will work well. This is expected to be completed by November. It was originally scheduled to be completed by the end of October, but because of the sub-grade and additional work, they will be tracking one month late.

- 2) STATUS REPORT RE 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 – The

Borough Engineer reported Ingannamorte finished this project and all of the paperwork has been submitted to the Borough for processing; therefore, this item can be removed from his report.

- 3) REPORT RE DREDGING AND RESTORATION OF RUCKMAN POND, BLOCK 1901, LOT 1 (RM 6/8/11) – The Borough Engineer reported this project has been

submitted to the DEP for review. It is approximately a 90-day review process; and since it has been down there for about a month already, he expects to hear by the end of the year from the DEP. He said this is a pretty straight forward project with nothing major planned.

- 5) NEW JERSEY DEPARTMENT OF TRANSPORTATION FY2012 MUNICIPAL AID PROGRAM FOR HERBERT AVENUE, SECTION 5, AND BLANCH AVENUE PROJECT (RM 8/10/11) – The Borough Engineer submitted the application

to the DOT in late August, so he anticipates hearing back from them right after the election on the approval status. Since the application has been filed, he asked that this item be removed from his report until it has been approved or denied.

- 6) REPORT – The Borough Engineer informed the above items concluded his report.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE BOROUGH WEB SITE – The Borough Administrator reported he would like to have members of the IT committee that have an interest participate in an online demonstration by providers of some other applications that can be easily associated with our web site. He has personally viewed a few that he feels are worth taking a further look at. Mr. Wiest explained the online demonstration will take about half an hour and can be done for everyone at the same time, or different times. He said there are so many available applications it's almost impossible to relate them without seeing some of them in action. Some of these are sort of enhanced versions of what our web site does not but allows for better tracking and reporting. Mr. Wiest said there are many different programs, including one that would allow people to advertise properties from the web site; not that it is something we necessarily would want to do, but to illustrate that the capability exists. He will try to get some dates and times and further communicate with members of the Committee.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):

a. Chamber of Commerce Meet and Greet to be held-at Senior Center sometime in November (7 M.L. 10/6/11) – Mr. Wiest reminded this was just discussed at length.

3) STATUS REPORT RE COORDINATION OF ADVERTISEMENT OF BIDS FOR VARIOUS EQUIPMENT AND IMPROVEMENTS (RMA10/13/10) – The Borough Administrator informed he had no report regarding this item.

4) FOLLOW UP REPORT RE ROLL OFF TRUCK (Contract received 6/23/11) – Mr. Wiest said the truck is on order and should be received in the next month or so. He reminded at the last meeting there was a comment from a member of the audience with some concern relating to the availability of service and dealer support for this vehicle. There was a statement made to the effect that there was no service within 250 miles and there was no distributor within 250 miles. He informed those figures didn't ring true to him, so after that meeting he did speak to Mr. Dahle; and the distributor that is providing the equipment to us is in Denville, which is somewhat closer than 250 miles. In regards to the maintenance, there is actually a maintenance truck that comes from Westchester; and if we had any problems, they would come over the Tappan Zee Bridge and assist us with those issues. Mr. Wiest expressed appreciation to the resident who had brought this up and voiced his opinion that he had been misinformed in regard to those matters.

4) STATUS REPORT RE P.O. ISSUED FOR DIGITAL VIDEO EQUIPMENT (Awarded RM 5/25/11 to L-3 Communications Mobile-Vision, Inc. - \$18,378) – Mr. Wiest reported this is in place for the Police Department; and this item can be removed from his Agenda.

5) REPORT RE PRICE QUOTES RECEIVED FOR JANITORIAL SERVICE AND MAINTENANCE OF THE SENIOR CENTER GROUNDS (Approved RM 6/8/11) The Borough Administrator informed the janitorial service that has been previously discussed is in place at the Senior Center. Mr. Skowron from our staff is working on upgrading the side door entry which had some issues and the side door columns. We do have some grant money available that can be put towards that. Mr. Wiest said it is being addressed presently; and we are also looking for some other applications for the other remaining grant dollars we do have available.

7) STATUS REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) – Mr. Wiest reported that the specifications are virtually ready for bid. He informed he has to send the final documents over to Counsel's office but he can discuss appropriate bid dates with the Borough Clerk within the next few days or a week. At this time, Mr. Wiest wanted all to be aware that this type of bid pursuant to State law has to be advertised for a period of two months; or there has to be a two month delay prior to taking bids. This is a long lead time activity; and once bids are received; there will be a significant period of review. He anticipates seeing action on this in the First Quarter of next year.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

8) REPORT – The Borough Administrator reported on the following:

a. The demolition of 131 West Street is proceeding; they received prices from demolition contractors; and the low price came in at \$12,000 from Mauro. He explained that Mauro is a demolition company that is currently active in the Borough; and noted they had recently completed demolition of some structures on Durie Avenue. He informed they will be having a kickoff meeting with them in about a week. Mr. Wiest reported that one of the required activities prior to the demolition of the structure is we have to have a rodent control activity that has to take place within 30 days of the actual demolition.

b. Regarding Paperless Packets, Mr. Wiest informed he should have received a refreshed quotation from Kevin Whitney from the vendor that will supply the equipment. He said we will get these items on order and advised they have a generally quick turnaround. Mr. Wiest said we will be moving forward with that aggressively in the next few weeks.

B. BOROUGH CLERK

1) STATUS REPORT RE 2011 APPOINTMENTS – Ms. Castano reminded that there is only one appointment from the CIC remaining and it has been carried on the Agenda for quite some time; hopefully, in the new year we will have a full board. Regarding the Local Assistance Board, Ms. Castano informed the Mayor circulated a resume; but an appointment can't be made because we are attempting to introduce an ordinance that would create a board, and then an appointment can be made.

Mayor Heymann explained her understanding that quite some time ago the Borough had an ordinance for welfare and the Borough then took care of welfare items within the Borough of Closter. Then the Borough subcontracted a good part of the responsibility to the Borough of Cresskill because of a new law that made it more complicated. She continued that after that the laws became even tighter, Cresskill gave it up altogether; and it was decided only the County provides for Closterite's official welfare support. In the mean time, for emergencies and because Closter is a giving community, the people involved kept the food pantry because that helped everyone immediately. It provided support in the community by providing Christmas and Thanksgiving baskets as well. Mayor Heymann noted that the old welfare organization is defunct because it is now a County responsibility. We never wrote an ordinance for the food pantry; and the commission that was taking care of it was really ad hoc, not an official organization. Now, in order to appoint another person, in addition to the two we currently have that are unofficial, in order to have these people an official part of a commission which takes care of the food pantry and other emergency welfare relief (we need an ordinance creating same). We will then be able to officially appoint them to the commission. In response to the Borough Clerk, Mayor Heymann informed we recently received a very large contribution from Temple Emanu-El and O&R gave us a fund last year to pay for emergency emergencies such as utility bills, and we distribute food cards to local supermarkets.

Ms. Castano reported receiving a resignation from Christiano Pereira as Alt. No. 2 for the Planning Board for a 2-year term to 12/31/11; it is a Mayoral appointment which is at her discretion.

2) STATUS REPORT RE 2011 OATHS OF OFFICE – Ms. Castano reported that Oaths of Office are current.

3) STATUS REPORT RE 2011 LICENSES – Current. Ms. Castano reported we will be sending the customary memo to the Police Department for inspection of specific stores that require licensing for 2012 on 10/14/11; and when we receive a response, we will send the customary letters informing of the 2012 fees on 11/15/11 for payment by 12/9/11.

Borough Clerk noted that regarding Liquor Licenses we are continuing the Ad Interim Permit for Paulie's on our Agenda; currently there are two licenses (inactive) which have not been renewed: Modern Bar LLC, formerly the Closter Rec., requires a special ruling, and Rosemarie O'Connors, formerly Assembly East/Ondine's due to lack of tax clearance certificate.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

3) STATUS REPORT RE 2011 LICENSES (Continued)

Liquor License Transfer - A person to person transfer is currently in progress for Korea Palace to Topside, Inc. (inactive/pocket) which is moving very slowly.

4) STATUS REPORT RE 2011 MEETING DATES – Ms. Castano reported that 2011 Meeting Dates are current. In regards to 2012, on October 1, 2011, we circulated the customary memo to Borough Boards, Departments and Commissions providing the list of meeting dates for the Mayor and Council meetings, and the calendar of holidays and holydays, asking them to provide our office with their meeting dates; upon receipt of same, we will prepare and send the 2012 Annual Meeting notice. We customarily sent it to two newspapers: the Press Journal and The Record, but now the Press Journal is no longer in business, and she is assuming the only other one we have is the Star Ledger, which is very costly.

5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Borough Clerk informed she had no report.

6) STATUS REPORT RE ELECTIONS – Ms. Castano reported that the mandatory Board Workers Class that was held in the Council Chambers on 10/6/11 by the County Board of Elections was a great success. She said even the Commissioners who were here were so enthusiastic because we had Board Workers that actually paid attention and asked questions. In response to Mrs. Latner, she explained about 2/3 were present, therefore, out of 30 we had 22 attend. It is mandatory, so those who did not attend will have to take the courses offered in Hackensack.

The Borough Clerk informed that her office will be open to the public on 10/18/11 from 9 a.m. to 9 p.m., which is the last day to register to vote in the General Election. On that same day the Borough Attorney and she will be attending a Records seminar in Holmdel with the Government Records Council regarding the Open Public Records Act. She is hopeful to come back with some changes that will make life easier for everyone because a lot of the departments are heavily burdened with a lot of requests.

7) STATUS REPORT RE PAPERLESS PACKETS – Ms. Castano thanked everyone who assisted in moving it along; and, hopefully, we will soon be paperless or have less paper.

8) REPORT – Ms. Castano reported the following:

a. League Conference – Atlantic City – 11/15 to 11/17/2011:

1. Pre Registration – She prepared the requisition prior to the deadline of October 1, 2011. (\$50 pre registration/\$60 on site registration) six individuals will be attending.

2. Hotel Accommodations – Borough Clerk confirmed the dates for the five individuals who will be attending the Conference; she prepared the requisitions for the individuals who plan to attend the conference. (Full payment had to be received by October 14, 2011.)

b. Codification – After the adoption of ordinances takes place in November, we will be sending all the adopted ordinances to General Code for Codification; in the interim, after we have the public hearing of the ordinances this evening and they are published in the paper, we will have the approximate 15 adopted ordinances sent to General Code for posting on the web site until such time as they are codified shortly thereafter. Codification means having our Ordinance placed in our Code Book and the Code Online, which is easier for people to access. Ms. Castano offered that if anyone has a problem looking for something in the Code or online to feel free to call her office.

C. CHIEF OF POLICE

1) DEPUTY CHIEF REPORT – Mayor Heymann informed that Deputy Chief Kaine was attending a meeting. Councilman Glidden informed that just before the meeting Deputy Chief Kaine approached him and informed that an emergency came up, but that he did not have any items for the meeting. Mr. Glidden reported that they are in the beginning stages of negotiations for a new PBA contract; which will be discussed further at the Public Safety Committee meeting scheduled for tomorrow morning. He reminded that he is the Liaison to the Recreation Commission and as such he

7. REPORTS (Continued)

C. CHIEF OF POLICE (Continued)

attends all of their meetings. At the meeting this past Monday, the Commission asked him to pass on a folder to the Mayor and Council as a Thank You from some of the residents at Closter Spectrum for Living who participated in the 5K Run. Mr. Glidden explained that every year they compete in the 5K Run on Labor Day and this is the height of excitement for them. He then read aloud from the note.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

Mayor Heymann reported there are no changes regarding grants. Mayor Heymann reported that she and the Borough Administrator met this morning with the Borough Planner and a delegation from the County on behalf of a grant application we have with the County. She voiced her opinion that it was an excellent meeting and very informative.

a. FILED

1. 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)
2. 2012 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11
3. 2011 SUSTAINABLE JERSEY SMALL GRANTS PROGRAM FUNDED BY WAL-MART FOR A GRANT IN THE AMOUNT OF \$1,000/\$10,000/\$25,000 (Approved RM 7/13/11)
4. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – LAND ACQUISITION IN THE AMOUNT OF \$283,000 FOR THE PURCHASE OF BLOCK 1805, LOT 1, COMMONLY KNOWN AS THE CLOSTER SWIM CLUB AT BLANCH AVENUE (RM 8/10/11)
5. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – MUNICIPAL PARK IMPROVEMENTS – MATCHING GRANT IN THE AMOUNT OF \$40,000 FOR SCHAUBLE AND MEMORIAL PARK IMPROVEMENTS (RM 8/10/11)

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)
2. 2011 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM) WS 9/7/10/ \$10,000 Awarded – Reported at WS 5/11/11)
3. FY11 CLEAN COMMUNITIES GRANT - \$13,191.51 (2. M.L. 5/5/11)
4. CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10) (Award received 11.M.L. 7/7/11)

c. TO BE FILED - To be announced by Mayor

2) REPORT – Mayor Heymann informed that we have a new exhibit in the Small Conference Room. The Belskie Museum has replaced the visual display with a new one, which they will do several times a year, and features Closter artists. She welcomed all to stop in the room and take look before they leave.

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

Councilman Kashwick announced that on October 22nd the Nature Center will be 50 years old; and there would be a celebration from 1:00 p.m. to 6:00 p.m. Jennifer Rothschild said it should be a fun day and that everything will be free of charge. She said on November 6th at 3:30 p.m. there will be a film on bees and bee keeping at the Nature Center. On November 8th there will be a film on World War II at the Library. Councilman Kashwick noted that Harvest Day will be held at the MacBain Farm on October 29th from 4:00 p.m. to 6:00 p.m.

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

Steve Isaacson, 97 Columbus Avenue, thanked the Borough Engineer for advising him about the website aerals.com. He referred to the bid for a street sweeper and questioned how many times it is in use. Borough Administrator said that the sweeping is heavily regulated; and the State requires that it be done on a regular basis with reports submitted to the State. Mr. Isaacson noted that street striping was done on Durie Avenue at Pearle Road; and because the street was not cleaned, they painted through a pile of leaves. Borough Engineer said that this was not a Borough but a County operation. Mr. Isaacson referred to a Swim Club report that indicated that sump pump water, which is heavily chlorinated, was emptying into the stream and eventually into the reservoir. Councilman Dolson said that the Council approved a connection into the sewer system in the early 90's.

In answer to Louise Boyarsky, 102 Venus Drive, Borough Engineer explained that the resolution is for an application for the 2012 Local Aid Program to pave the remainder of Herbert Avenue to Closter Dock Road and Blanch Avenue from the railroad tracks to the bridge. The road is old, decaying and falling apart and same is a truck route. Since Closter is competing for funds with other towns, a higher category road receives more points. Mayor Heymann said that each year roads are chosen according to the monies available in the program. Mrs. Boyarsky suggested that Anderson Avenue and Hickory Lane be chosen; and Mayor Heymann noted that Anderson Avenue is an Alpine Road but Hickory Lane is on the top of the listing of local roads to be repaved.

Mrs. Boyarsky noted that the website is not being updated such as for the Planning Board Minutes and Agendas; and Mayor Heymann assured that as soon as approvals are given, the information is forwarded to the Borough's IT person who only works a few hours for the Borough. Borough Administrator said he would review the matter with the IT person. Mrs. Boyarsky asked if there would be a joint meeting on October 29th since it has not been posted. Mayor Heymann said that the meeting would be posted; and when the agenda is prepared, it too would be posted. Borough Clerk informed that the Agenda would be prepared by the Land Use Coordinator for the Planning Board. In answer to Mrs. Boyarsky, Mayor Heymann voiced her opinion that the purchase of the Swim Club is still being considered. She said that she reported that there was a meeting with the County on this matter. The financial allocation, not the project, was voted down. Borough Administrator advised that a grant application had been filed and the project cannot proceed without a resolution to the contamination found on the property. The property is owned by a non-profit; therefore, taxes are not collected.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – OCTOBER 12, 2011 - 7:30 P.M.

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 was made at 9:05 p.m. by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the
Mayor and Council on
October 21, 2011 for approval at the
Regular Meeting to be held
October 26, 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 October 26, 2011
Consent Agenda Item No. 16b.