

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – SEPTEMBER 14, 2011 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:55 p.m.

1. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

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

2. ROLL CALL

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, Nick DeNicola
Deputy Police Chief, Dennis Kaine

Also present in the audience were: James Whitney, Property Maintenance Officer

3. SWEARING IN OF NEW POLICE OFFICERS:

VINCENT SARUBBI AND JOSEPH A. BALDOMERO, III
(Requested by Administrator 9/7/11) This Agenda item was addressed during the Work Session.

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 8/10/11 and were published in The Record on 8/16/11 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. BOND ORDINANCE NO. 2011:1103, "AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$190,000 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME"

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

Motion approving adoption of Ordinance No. 2011:1103 was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

b. ORDINANCE NO. 2011:1104, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$870,000.00 FROM THE OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR THE ACQUISITION OF BLOCK 1805, LOT 1 COMMONLY KNOWN AS "THE CLOSTER SWIM CLUB AT BLANCH AVENUE"

Mayor Heymann declared a Public Hearing.

Councilman Barad expressed his support for a Swim Club in Closter but felt there would be a number of problems making same a reality. He felt it was premature to adopt this Ordinance inasmuch as more investigation and discussion on the matter is needed. Councilmen Glidden and Kashwick expressed their agreement. Borough Attorney said that a vote would have to be taken on the ordinance unless it is adjourned to the next meeting, which he did not feel was realistic.

Motion was made by Councilman Glidden, seconded by Councilman Barad

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – SEPTEMBER 14, 2011 - 7:30 P.M.

to not adopt Ordinance No. 2011:1104.

Steve Isaacson, 97 Columbus Avenue, questioned who was contacted by the Swim Club regarding the purchase; and Mayor Heymann informed that the Swim Club had contacted her. Mr. Isaacson questioned if there was a recent soil testing by the Borough Engineer; and, if so, what were the findings. Mayor Heymann noted that the soil was tested and the report is available. She said that the findings indicated that there is some contamination, which would be discussed by the Council. Borough Engineer said that the report found PCB contamination in the soil; and the cause is inconclusive at this point. Borough Attorney said that other than the Council applying for a grant, there has been no vote or contract with the Swim Club. Mr. Isaacson said that he has spoken with Nancy Lawrence of Green Acres; and if grant money is used to purchase the property, the Club must be open to everyone in the County and the fees that are collected must be drastically reduced. He questioned if there is a reverter clause in the deed; and Borough Attorney explained the deed indicates if the property is not used by a non-profit or charitable organization for recreational purposes, the Borough has the option to have the property revert back for \$6,000. He noted it is not an automatic reverter. If the Swim Club closes, they have the right to sell the property to a non-profit organization for as much money as they can get. Mr. Isaacson said that the Swim Club should divide the six acres, sell the undeveloped land to the Borough and use the money for the facilities. This would enable the Borough to obtain the land without spending \$870,000.

In answer to Jesse Rosenblum, 65 Knickerbocker Road, Borough Attorney said if a Church buys the property, it could eventually be sold again to another non-profit organization ad infinitum without the Borough ever obtaining the property through the reverter clause. Councilman Dolson said that the deed does not require the property to be used as a swim club only as recreation. Any number of non-profit organizations could acquire the property as an attractive recreation site.

No one else wishing to be heard, Mayor Heymann closed the public hearing.

Mayor Heymann declared the motion to not adopt Ordinance No. 2011:1104 carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

5. DISCUSSION BY MEMBERS OF GOVERNING BODY RE COMPLETED CY 2011/SFY 2012 BEST PRACTICE INVENTORY AS PREPARED BY THE CHIEF FINANCIAL OFFICER (1c. M.L. 7/21/11) DEADLINE FOR SUBMISSION: SEPTEMBER 1, 2011 MUNICIPAL CLERK MUST FILE CERTIFICATION CONFIRMING THAT THE COMPLETED QUESTIONNAIRE WAS DISCUSSED PUBLICLY (DISCUSSION CAN OCCUR BEFORE OR AFTER THE ACTUAL SUBMISSION OF THE QUESTIONNAIRE)

Borough Clerk noted that the *completed* inventory, as prepared by the Chief Financial Officer, must be reviewed by the governing body prior to her filing the certification confirming that it was discussed in public. Mayor Heymann asked if the Council members had any comments. Councilman Glidden noted the good job with a 90% score and Councilman Barad questioned if the 10% could be worked on. Borough Administrator said that he would expect some of the items within the 10% to be in the yes column when the questionnaire is received in 2012. Borough Clerk questioned the light duty option that is included in the Borough's Code. Borough Attorney noted that it is different depending on the department and Borough Administrator said that this matter would have to be reviewed in some depth since light duty is a tricky subject. Borough Clerk cited the absentee forms that her office has used since they were established but no other department has continued using same. Borough Administrator said that there has not been a standardized form since he has been with the Borough; and that forms from other communities are being researched. He also noted that a policy would be put in place that encourages medical exams for first responders. Borough Clerk referred to courses for governing body members, which over the years had been mandated by the Mayors regarding the Municipal Government rules and regulations. She urged all the Council members to attend these courses.

6a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 9, 15 and 21 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.

7. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) – PUBLIC HEARING – 10/12/11

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – SEPTEMBER 14, 2011 - 7:30 P.M.

@ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. ORDINANCE NO. 2011:1105, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169, ARTICLE II, TRANSFER STATION, OF THE CODE OF THE BOROUGH OF CLOSTER” (Received from Borough Attorney 8/16/11)
- b. ORDINANCE NO. 2011:1106, “AN ORDINANCE TO AMEND CHAPTER 147 “PROPERTY MAINTENANCE” OF THE CODE OF THE BOROUGH OF CLOSTER” (Received from Borough Attorney 8/16/11)
- c. ORDINANCE NO. 2011:1107, “AN ORDINANCE AMENDING CHAPTER 183 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CLOSTER REGARDING PARKING” (Received from Borough Attorney 8/16/11)
- d. ORDINANCE NO. 2011:1108, “ AN ORDINANCE REVISING CHAPTERS 16, ENVIRONMENTAL COMMISSION, AND CHAPTER 56, RECREATION COMMISSION, OF THE BOROUGH’S CODE (Received from Borough Attorney 8/25/11)

RESOLUTIONS

8. BILL RESOLUTION – SEPTEMBER 15, 2011
TO BE PREPARED BY DEPUTY TREASURER
- ~~9.~~ 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)
10. RESOLUTION NO. 5 RE AD INTERIM PERMIT
11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$9,370.92 TO U.S. BANK – CUST/SASS MUNI VI DTR FOR THE REDEMPTION OF TAX SALE CERTIFICATE #11-00001 AND A CHECK IN THE AMOUNT OF \$19,000.00 FOR PREMIUM PAID AT TAX SALE HELD 6/30/11 FOR THE REDEMPTION OF SAID CERTIFICATE RE BLOCK 504, LOT 30, 36 OLIVE STREET, FOR 2010 DELINQUENT TAXES (Received from Collector 8/23/11)
12. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO CHANCELLOR TITLE AGENCY IN THE AMOUNT OF \$3,098.74 FOR TAX OVERPAYMENT CREATED RE BLOCK 2208 LOT 9, 9 WAINWRIGHT COURT, DUE TO DUPLICATE PAYMENT IN THE 3RD QUARTER 2011 (Received from Collector 8/15/11)
13. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO TAILORED TITLE, LLC IN THE AMOUNT OF \$6,269.75 FOR TAX OVERPAYMENT CREATED RE BLOCK 2210 LOT 15, 50 ARNOLD AVENUE DUE TO DUPLICATE PAYMENT IN THE 3RD QUARTER 2011 (Received from Collector’s office 9/6/11)
14. RESOLUTION PREPARED BY CFO IN RESPONSE TO 2010 AUDIT REPORT - DEADLINE FOR SUBMISSION: SEPTEMBER 18, 2011 - TO BE PREPARED BY CFO
- ~~15.~~ RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENTRY AND TESTING AGREEMENT BETWEEN CROWN COMMUNICATION LLC AND THE BOROUGH OF CLOSTER RE PROPERTY LOCATED AT THE CLOSTER DPW ON RUCKMAN ROAD AND THE DPW COMPOST SITE (Received from Borough Attorney 8/31/11)
16. RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR GIFTS FOR THE RECREATION OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) PROGRAM PURSUANT TO N.J.S.A. 40A:5-29 (Received from Administrator 9/7/11)
17. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – SEPTEMBER 14, 2011 - 7:30 P.M.

APPROPRIATION UNDER N.J.S.A.40A:4-87 FOR THE 2011 COUNTY OF BERGEN MINIGRANT FOR CLEAN-UP BY THE CLOSTER GREEN TEAM TO THE CLOSTER ENVIRONMENTAL COMMISSION IN THE AMOUNT OF \$300.00 (Received from Administrator 9/7/11)

- 18. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO CORE LOGIC IN THE AMOUNT OF \$4,227.65 FOR TAX OVERPAYMENT CREATED RE BLOCK 704 LOT 23, 45 ROBINHOOD AVENUE DUE TO DUPLICATE PAYMENT IN THE 3RD QUARTER 2011 (Received from Collector’s office 9/8/11)
- 18a. RESOLUTION GRANTING USE OF CLOSTER COUNCIL CHAMBERS TO BE UTILIZED BY BERGEN COUNTY BOARD OF ELECTIONS FOR CLASSES ON OCTOBER 6, 2011
- 18b. RESOLUTION RESTRICTING ACCESS OF MOTOR VEHICLES ONTO WESTMINSTER AVENUE (Received from Borough Attorney 9/14/11)
- 18c. RESOLUTION ACKNOWLEDGING ARBITRATOR’S AWARD AND APPROVING SETTLEMENT OF ANY OUTSTANDING ISSUES REGARDING N.J.S.B.M. CASE NO. 10-0592, RE: LONGEVITY (Received from Borough Attorney 9/14/11)

MOTIONS

- 19. MOTION APPOINTING DANIELLE BORELLI TO AD HOC VOLUNTEER COMMITTEE AS PUBLIC RELATIONS DIRECTOR (Received from Mayor 8/15/11)

Councilman Kashwick asked for discussion about this appointment asking for clarification as to its purpose. Mayor Heymann explained as follows: “This is a volunteer in order to enhance our general PR whether it be on the web, she’s hoping to do an e-mail newsletter and keeping the web as up to date as possible”.

- 20. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 8/19/11) ABSTENTION: LATNER
 - a. REGULAR MEETING OF AUGUST 10, 2011
 - b. WORK SESSION OF AUGUST 10, 2011

- 21. 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

- 22. MOTION GRANTING APPROVAL FOR THE ANNUAL BLOCK PARTY TO BE HELD ON WHITNEY STREET ON SUNDAY, 9/18/11, FROM 1 P.M. TO 7 P.M.; RAIN DATE: SUNDAY, 9/25/11; AND FOR BLOCKADES BE BROUGHT TO BOTH ENDS OF WHITNEY STREET (BETWEEN HIGH STREET AND DEMAREST) FOR THE DAY (1. M.L. 8/13/11)
- 23. MOTION GRANTING APPROVAL FOR BOROUGH CLERK TO COMPLETE AND CERTIFY THE BEST PRACTICE PUBLIC MEETING CERTIFICATION FORM AND SEND TO THE DEPARTMENT OF COMMUNITY AFFAIRS AFFIRMING THAT THE GOVERNING BODY DISCUSSED THE *COMPLETED* CY 2011/SFY 2012 BEST PRACTICE INVENTORY AS PREPARED BY THE CHIEF FINANCIAL OFFICER (Discussed earlier in the evening)
- 24. *POSSIBLE* MOTION APPROVING REQUEST MADE BY THE EDUCATION FOUNDATION OF ALPINE, INC. FOR APPROVAL TO PLACE TEMPORARY SIGNS IN HIGH TRAFFIC AREAS IN THE BOROUGH TO ANNOUNCE THEIR FUND RAISER EVENT, ALPINE CONOURS D’ELEGANCE AND CAR SHOW, TO BE HELD 10/2/11 AT THE DOLCE HOTEL & RESORT, 334 ROUTE 92, PALISADES, NY, FROM 10:30 A.M. TO 4:00 P.M. (SIGNS TO BE POSTED 9/28/11 AND REMOVED 10/3/11) (1. M.L. 7/28/11) (APPROVAL FROM RISK MANAGEMENT CONSULTANT RE CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT REQUIRED)
- 25. REPORTS

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – SEPTEMBER 14, 2011 - 7:30 P.M.

- a. DEPUTY CHIEF OF POLICE – JULY 2011 (Received 8/11/11)
- b. CONSTRUCTION OFFICIAL – AUGUST 2011 (Received 8/31/11)
- c. FIRE OFFICIAL – JULY 2011 (Received 9/8/11)
- d. FIRE OFFICIAL – AUGUST 2011 (Received 9/8/11)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

15. RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENTRY AND TESTING AGREEMENT BETWEEN CROWN COMMUNICATION LLC AND THE BOROUGH OF CLOSTER RE PROPERTY LOCATED AT THE CLOSTER DPW ON RUCKMAN ROAD AND THE DPW COMPOST SITE (Received from Borough Attorney 8/31/11)

Jesse Rosenblum, 65 Knickerbocker Road, asked if the Borough Engineer would be marking the two sites. Borough Engineer explained if the Borough tells them where to locate the tower relative to environmental aspects, it would be our responsibility but that the Superintendent of Public Works would indicate the areas as to a use standpoint.

Motion approving Consent Agenda Item No. 15 was made by Councilman Barad, seconded by Councilman Dolson and declared by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

26. 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.

Jesse Rosenblum, 65 Knickerbocker Road, referred to the Swim Club property noting the C-1 stream in the rear of the property which limits the use of the property.

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

- 27a. Motion to endorse the application of Borough Attorney, Edward Rogan, for the Michael Pane Award was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- 27b. Motion to approve the placement of an advertisement in the St. Mary's Journal (commemorating their 100th Anniversary) at a cost of \$50 was made by Councilwoman Amitai, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Dolson and Amitai. Councilmen Kashwick and Barad voting no.

Mayor Heymann commended the Ad-Hoc Committee working on a revision to the Sign Ordinance and provided the names of the members as follows: Irene Stella, Paul Demarest, Eric Mattes, Leslie Weatherly, Lou Lobosco, James Whitney, David Barad, Jerry Boyarsky, Len Sinowitz and Robert Maurer.

Relative to the sidewalk issue (discussed in the Work Session), Councilman Kashwick said he would not like to reconsider same; and Councilman Glidden said he would like to defer the matter to allow him time to inspect the property. Councilman Barad said that the owner indicated that it would cut out a piece out of his front lawn; and Borough Engineer informed that it is not the front lawn but the Borough right-of-way. Councilman Kashwick said it is not a dead end street and sidewalks should be encouraged except where they are not needed. Councilman Dolson explained he passed by and saw that a couple of houses are under construction in that area allowing for some portion of contiguous sidewalk. Mr. Kashwick noted the remainder of the homes on that block are older homes and could be potential candidates. Mr. Dolson noted somebody has to be first and somebody has to be last. It was agreed that there was no change in the original denial; therefore, Mayor Heymann advised that the matter was moot.

Council President Kashwick referred to the letter from the Board of Health, and asked whether any action had to be taken to authorize the Borough Attorney to apprise the Board of the Council's reservations in the matter. Borough Attorney advised somebody has to be authorized to do so. After some discussion, Council President Kashwick emphasized that a letter should be written; and Mayor Heymann informed that the Borough Attorney agreed to do so.

- 27c. Motion approving the following Closed Session Resolution at 10:36 p.m. was made by

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – SEPTEMBER 14, 2011 - 7:30 P.M.

Councilwoman Amitai, seconded by Councilman Dolson and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai:

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

Mayor Heymann resumed the Regular Meeting at 11:13 p.m.

28. ADJOURNMENT

Motion to adjourn the Regular Meeting at 11:13 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the Mayor and Council
on September 23, 2011 for approval at the
Regular Meeting to be held Tuesday,
September 27, 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 September 27, 2011
Consent Agenda Item No. 12a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – SEPTEMBER 14, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, September 14, 2011. Mayor Heymann called the meeting to order at 7:32 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.

At this time, Mayor Heymann asked for a Moment of Silence on the passing of Margaret Binaghi, who was an active member of the Seniors and other organizations and for Helen Dippolito, mother of Police Officer Chris Dippolito.

3. ROLL CALL

Those present were the following:

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

At this time, Mayor Heymann deviated from the Work Session Agenda and introduced the two new police officers, Vincent Sarubbi and Joseph Baldomero III, who would be sworn in this evening. Councilman Glidden introduced the officers and noted that they were chosen from many applicants and that their qualifications and recommendations are impeccable. Vincent Sarubbi is a life long resident of Palisades Park, a graduate of the Morris County Police Academy and William Paterson University with a degree in Sociology and a concentration in Criminal Justice. He was employed with Tri-State Medical Transportation in Egg Harbor Township, Aero Ambulance in Hackensack and the Department of Public Works. He is certified in NJCCT and CPR AED.

VINCENT SARUBBI was sworn in at this time by Mayor Heymann. Congratulations were extended by Councilman Glidden and the public offered a round of applause.

Councilman Glidden introduced Joseph Baldomero III, a resident of Fairview, a Summa Cum Laude graduate of Fairleigh Dickenson University. He was employed by the Fairview Police Department, Atlantic Tanning Distributors and Medonka Suarez Financial Services.

JOSEPH BALDOMERO III was sworn in at this time by Mayor Heymann. Congratulations were extended by Councilman Glidden and the public offered a round of applause.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF AUGUST 11, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No one wished to remove any items for discussion.
- b. MAIL LIST OF AUGUST 18, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 13 was removed by Councilwoman Amitai.

Item No. 13: Received 08/04/11, requested by Mayor Heymann 08/19/11, dated 08/04/11 from Elvira Testa Caputo, Secretary, Board of Health, to Loretta Castano, Borough Clerk re Copy of Board of Health Ordinance No. 2011-2 AAN ORDINANCE ADDING CODE SECTION 250-31A TO THE CODE@ (Animal Feeding) adopted 7/14/11

Councilwoman Amitai questioned what precipitated this. Mayor Heymann explained we have always had regulations against feeding wild animals in public places. Apparently there have been complaints about private individuals on their own properties harboring wild animals to the detriment of the general landscape in the neighborhood. She explained the Board of Health is autonomous and they passed this ordinance on their own; and this was a notification of same. The Mayor said she is not sure if they can express themselves on this but offered they could comment if they wished. In response to Dr. Barad, Mayor Heymann affirmed they could provide comments to the Board of Health regarding same.

Councilman Barad voiced his opinion that some of the stipulations in the ordinance seem a little over the top and questioned their intent. He feels they may want to be more specific about what they're talking about. Dr. Barad noted there is no penalty mentioned and Mrs. Amitai questioned who will enforce it. Mayor Heymann voiced her understanding the ordinance says how it will be enforced. At this time, the Borough Attorney explained this is an amendment to an existing ordinance. Mayor Heymann explained she was taken aback by this ordinance as well when she received it because it means that the way the ordinance is written, it disallows eventualities that are common, such as a platform bird feeder. The ordinance says only enclosed bird feeders can be allowed and many birds prefer to feed on platforms. She voiced her opinion that their intent was probably appropriate but agreed with Dr. Barad that it is over the top.

Councilman Kashwick voiced his issue to the feral cat portion of the ordinance which goes against what the Humane Society has deemed to be the most humane way of treating feral cats. They call for trapping, neutering and releasing them; and this ordinance prohibits that.

As liaison to the Board of Health, Councilman Dolson explained the discussion and basis of this ordinance was the fact that people were throwing out household garbage on their front lawns which were attracting rodents that are potentially dangerous to the public. That is really what started this; skunks, raccoons and rabid raccoons that are becoming a nuisance in some areas. Mr. Kashwick questioned why it couldn't be a Property Maintenance issue as opposed to banning the feeding of animals by throwing garbage on their lawns. Mr. Dolson voiced his opinion that is probably the intent to allow the Health Officer the right to knock on doors and inform people they can't throw garbage out to feed the animals. Mr. Kashwick said it seems more appropriate to say they can't feed the pigeons.

Siebert Hagen, 72 Eckerson Avenue, asked Councilman Dolson who on earth would throw out garbage on their lawns; and questioned if there was any substantiation to these accusations. Secondly, he questioned if the residents will be held liable because they have choice vegetation the deer happen to like. He voiced his frustration that he has a real problem with deer eating his tomato plants; he is not

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – SEPTEMBER 14, 2011 - 7:30 P.M.

doing it to feed them, he is doing it to feed himself. Mr. Hagen voiced his opinion that this sounds like a lot of steam. Councilman Dolson said that as liaison, he attends all of the meetings and listens to the discussions; and explained this is an actual request and response from the Health Officer, who took complaints from people in this community informing that neighbors of theirs were doing this. In response to Mr. Hagen, he affirmed that the Health Officer did actually investigate these claims. Mr. Dolson further explained that we do not have control over what people do on their own private property; and this ordinance allows the Health Officer, who observes this practice, to inform the resident not to do it. He voiced his opinion there is significant difference between feeding and garbage and a garden that is planted for the purpose of producing food. Mr. Dolson offered that if Mr. Hagen wished to have further clarification of the ordinance, he was welcome to attend the Board of Health meeting this Thursday in this room to address them.

The Borough Attorney clarified as follows: the Borough Council passes most of the ordinances in town. The Board of Health has exclusive jurisdiction with regard to health issues as determined by the County Health Officer, who serves as our Health Officer and State law. The Council absolutely has the right to comment on this; it has been passed and they certainly can put together something expressing the concerns that are being raised; but this is not something for the Council's action other than to write a letter. This ordinance has been passed; it's a separate ordinance book than ours.

Mr. Hagen informed since that was the case, he would like to contribute to the Council's comment. He said this seems like a direct attack on the practice of composting. Composting is not putting out garbage; it is the process of putting out things that are going to rot anyway and turn into dirt – that doesn't include pork bones or any of that nonsense. He feels the Council should be well aware that this motion is an attempt to stop the practice of composting; which his family has done for more than 70 years. Mayor Heymann voiced her opinion that she thinks the Council will take his suggestions to heart as well as those expressed by the Borough Council and they will communicate that to the Board of Health, which is the only thing they are allowed to do.

c. MAIL LIST OF AUGUST 25, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 4 was removed by Councilwoman Latner.

Item No. 4: Received 08/22/11, dated 08/22/11 from boroadmin@closterboro.com to boroclerk@closterboro.com re E-mail from Mr. & Mrs. Louis Iovino expressing frustration over the poor condition of Ruckman Road (Copy to William Dahle, III)

Mayor Heymann said she was glad Mrs. Latner brought up this item because she was going to comment on it anyway. The Mayor said Dr. Barad always make a point of saying "did you answer people with comments like this". She informed she had e-mail correspondence with him and she thinks she left him satisfied when she was finished. She passed to the Council what she wrote. Mrs. Latner questioned if his specific concerns were addressed to which Mayor Heymann affirmed same.

At this time, the Borough Clerk once again asked that in the future she be copied on correspondence from the Mayor which she can distribute to the members of the governing body.

d. MAIL LIST OF SEPTEMBER 1, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 5 was removed by the Borough Clerk.

Item No. 5: Received 08/29/11, dated 08/29/11 from Edward Rogan & Associates, to Borough Clerk re Letter from Edward J. Buzak, Nominating Committee, Institute of Local Government Attorneys, re The Fred G. Stickel Memorial Award - Deadline for receipt of nominations 10/14/11

The Borough Clerk questioned if our Borough Attorney was a candidate for this. Mayor Heymann explained there are two separate awards involved. She voiced her understanding that they

will be nominating our Borough Attorney for the Michael Pane Memorial Award, of which he has already been informed. The Borough Clerk noted there was also the Fred G. Stickel Memorial Award and Mayor Heymann explained they cannot do both and they felt the Pane Award was more appropriate. The Borough Attorney thanked the Mayor and Council for the nomination. Mayor Heymann explained that the Michael Pane Award focuses on Ethics and they think that is where our Borough Attorney has been particularly strong and helpful over the years, including his years as an elected official through the present day. She informed Mr. Rogan was the one who wrote the Borough ethics ordinance.

e. MAIL LIST OF SEPTEMBER 8, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 2 was removed by Councilman Kashwick; Item No. 6 was removed by Councilman Glidden.

Item No. 2: Received 09/02/11, dated 09/02/11 from Boswell Engineering to Municipal Clerk re E-News Update: The Obama Administration has eliminated the unfunded mandate that formerly required municipalities to replace substandard regulatory, warning, and ground-mounted guide signs by January 2015 and overhead guide signs and street name signs by 2018 in an effort to meet minimum retro-reflectivity and readability requirements; and informing that as only the mandated dates have been eliminated, Boswell will automatically incorporate into contract documents the replacement of all Regulatory and Warning Signs, as well as street name signs, on all state and federally funded projects (See 5. M.L. 3/24/11) (Copy to Deputy Chief Kaine, William Dahle, III)

Councilman Kashwick asked the Borough Engineer to comment further on this item as the Historic Preservation Commission is working on replacing signs in the proposed historic districts and other areas. Mr. DeNicola explained there are two criteria: The Manual of Uniform Traffic Control Devices had a mandate to replace all of the signs by two deadlines – 2012 and 2014/2015. The first one has to do with retro-reflectivity which is how much the sign reflects back; the other was the size of lettering on street name signs. Because of a lot of complaints from municipalities and counties and the State due to the tremendous cost of replacing all of the signs to conform with the new standards, they relaxed the standards in such that there is no longer a mandate; but any new signs have to comply with the new standards. He explained that if there are new signs purchased for the Historic District, they still have to have the proper lettering size in upper and lower case; new stop signs would have to have proper retro-reflectivity. In response to Mr. Kashwick, the Borough Engineer informed only the newly purchased signs from this point forward have to meet this standard. In response to Councilwoman Latner he affirmed that they do not have to spend monies due to a mandate. Dr. Barad questioned if a truck backed into a sign, would the Borough have to replace it with a sign meeting new standards to which Mr. DeNicola affirmed same. He clarified that if there is a new street sign, it needs to be in mixed case which is upper and lower case lettering of the proper size. The Borough Engineer assured that the DPW and Historic Preservation Commission are aware of the criteria and standards, so any sign used in the future should meet the new standard. He explained that our current signs have 4-inch all capital letters and the new signs require 6-inch capital letters and 4-inch lower case letters to make the new signs larger and more readable.

Item No. 6: Received 09/06/11, dated 09/06/11 from Donald M. Farrell, Treasurer & Board Member, Belskie Museum of Art & Science re Thanking the Mayor and Council for their donation; and invitation to attend the opening of AFlower Power@ featuring artists depicting flowers in varied mediums on 9/11/11 and 9/17/11

Councilman Glidden informed that he and Mayor Heymann attended the dedication of Farrell Woods behind the Library on Saturday morning and voiced his opinion that it is a very well done area. He encouraged everyone to visit. In reference to the letter about the Belskie Museum and “Flower Power” exhibit, he wanted everyone to know he took the time to look at it and it really is a very nice exhibit and he highly recommends it. Mayor Heymann added that we are very fortunate in having a

really active museum with two outstanding curators that prepare two different shows each month. She voiced her opinion that this exhibit is particularly interesting because a very large majority of the artists are Closter residents. We have a great many resident artists who are in some cases recognized worldwide. She encouraged all to see the exhibit. There is a 4-foot wall at this time displaying one artist but there are many other areas where the Museum and Library cooperate in providing cultural activities for the Borough.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of September 14, 2011)

Mayor Heymann asked whether any member of the Council or public wished to remove for discussion any of the following Consent Agenda Items: Councilman Kashwick removed Item Nos. 9 and 15. Councilman Barad removed Item No. 4b. Steve Isaacson removed Item No. 4a.

7. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) – PUBLIC HEARING – 10/12/11 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- d. ORDINANCE NO. 2011:1108, “ AN ORDINANCE REVISING CHAPTERS 16, ENVIRONMENTAL COMMISSION, AND CHAPTER 56, RECREATION COMMISSION, OF THE BOROUGH’S CODE (Received from Borough Attorney 8/25/11)

At this time, in answer to Councilman Barad’s inquiry (re Ordinance No. 2011:1104), Mayor Heymann said that we would be going ahead with the ordinance because this is a process for the grant application. Councilman Glidden clarified that in order to apply for the grant, the ordinance must be adopted but this in no way obligates the Borough to either purchase the property or to run an operation. Borough Administrator said the grant application has been submitted and it is not necessary to adopt a Capital ordinance to proceed with the application. It is on the Agenda to enable the Council to proceed with the acquisition but there could be further consideration of the environmental issues. Mayor Heymann said that this ordinance allows the Borough to reserve the funds and there is no obligation until a contract is signed with either Green Acres or the Swim Club. Borough Administrator advised that there was a Green Acres deadline in October; and since the transaction is not moving ahead that quickly, it is less important to have the money available because other issues may have to be considered.

Borough Clerk noted that the Ordinance they are currently discussing is not on the Consent Agenda. This one is listed for introduction and scheduling of a public hearing on October 12th. Mayor Heymann explained that the Ordinance would have a public hearing separate from the Consent Agenda and all comments should properly be made at that time. Councilman Kashwick said that all discussion on the Ordinance should be held off until the Public Hearing.

RESOLUTIONS

9. *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)

In answer to Councilman Kashwick, Borough Attorney advised that at the Planning Board Sub-Committee meeting held last week, there were clarifications of the resolutions from the Planning

Board relative to the award of contract for a professional planner. It was agreed that the resolutions would be reworded to reflect that the planners would be hired to make recommendations regarding the commercial, retail zones as well as the conservation zone. The resolution would be reworded to indicate that the Mayor and Council would be hiring the planner, not the Planning Board. A letter from Mr. Chagaris, Planning Board Attorney, indicates that this is an update on the progress of engaging a professional planner in order to implement certain zoning recommendations; and he is awaiting an answer from certain planners as to fee schedules. Revised resolutions would be received for action by the Mayor and Council.

15. RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENTRY AND TESTING AGREEMENT BETWEEN CROWN COMMUNICATION LLC AND THE BOROUGH OF CLOSTER RE PROPERTY LOCATED AT THE CLOSTER DPW ON RUCKMAN ROAD AND THE DPW COMPOST SITE (Received from Borough Attorney 8/31/11)

Councilman Kashwick informed we are obtaining information as part of due diligence in order to make a final decision.

In answer to Steve Isaacson, 97 Columbus Avenue, Councilman Kashwick said that this is an investigation by Crown Communications, which is one of the companies that might be erecting a new tower. There are two locations and the Compost Area is not part of Open Space.

MOTIONS

24. *POSSIBLE* MOTION APPROVING REQUEST MADE BY THE EDUCATION FOUNDATION OF ALPINE, INC. FOR APPROVAL TO PLACE TEMPORARY SIGNS IN HIGH TRAFFIC AREAS IN THE BOROUGH TO ANNOUNCE THEIR FUND RAISER EVENT, ALPINE CONCOURS D'ELEGANCE AND CAR SHOW, TO BE HELD 10/2/11 AT THE DOLCE HOTEL & RESORT, 334 ROUTE 92, PALISADES, NY, FROM 10:30 A.M. TO 4:00 P.M. (SIGNS TO BE POSTED 9/28/11 AND REMOVED 10/3/11) (1. M.L. 7/28/11)
(APPROVAL FROM RISK MANAGEMENT CONSULTANT RE CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT REQUIRED)

In answer to the Borough Clerk's inquiry, Borough Administrator voiced his understanding that he had follow-up information from the Risk Manager that he would pass on to her; and the Council could take action on this motion.

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 he reported on this item in response to Councilman Kashwick's earlier inquiry.
- 2) STATUS REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) – The Borough Attorney informed all legal documentation has been completed; and it would be more appropriate for the Borough Administrator to take that from here. Mr. Wiest reminded that at the last meeting (WS 8/10/11) he informed he had received specifications from other towns which he has reviewed, but his vacation got in the way of making final preparations. He plans to forward something to the Borough Attorney next week.
- 3) SUSTAINABLE DEVELOPMENT ORDINANCE / HISTORIC PRESERVATION COMMISSION ORDINANCES (Requested by Borough Attorney 4/6/11 & 5/11/11)
Mr. Rogan informed this overlaps with the LEEDS suggestions we received from the Planning Board. He advised that both of these discussions were also held at the Planning Board Sub-Committee

meeting he referred to earlier. The matters will be discussed again by the Planning Board; and a revised Resolution is anticipated where the recommendation will not involve us modifying our limiting

6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

schedule. The intent is that the limiting schedule will remain the same but incentives for compliance with LEEDS will be offered to do the right thing up front. We are not granting any relief or giving any leeway in our limiting schedule. After they've been there for a while and they comply, they make application for certification; then they'll be given some sort of bonus, if you will, in terms of coverage/building coverage or something along those lines. The original request that came in was troublesome to both himself and the Ordinance Committee; therefore, he expects a more reasonable and logical way to provide an incentive to go green in terms of future building without compromising our ordinances.

Dr. Barad explained the Planning Board was trying to do two things at once; and now they are simplified. Part of it is to help the Zoning Board in its enforcement; and they would like to have our comments on that. The observation was the Zoning Board appears to grant a lot of variances. Borough Attorney reminded that as the liaison, Mr. Dolson has reported on this issue in the past. Part of the Planning Board's motivation in making those recommendations was some frustration over the percentage of variances they are granting at the Zoning Board. With the Council's permission, he will prepare a draft Resolution for consideration to be forwarded or discussed with the Zoning Board in terms of trying to respect the integrity of our ordinances. Instead of running the town basically on variances, run it on ordinances with only selective variances. If, in fact, the Zoning Board believes our ordinances are too strict, the remedy should be that when they give their Annual Report each year, they should make recommendations to the Governing Body explaining with reason why a particular ordinance should be changed. For example, five variances have been granted on a particular issue and they feel it is bad planning. With the Council's permission, he will draft that for consideration to be forwarded to the Zoning Board. He voiced his opinion that it is a legitimate concern the Planning Board Members expressed. Mr. Rogan informed that statewide, Zoning Boards of Adjustment typically grant roughly 30% of the variances; our Board last year was closer to 98%. He reiterated his opinion that it is a legitimate concern; and the Council should give it some thought and consideration.

Mr. Dolson informed that he has tried to encourage the Board to recognize Chapter 55, which says in numerous places that it is the spirit of this chapter to diminish non-conformity. One case was so extreme that the person who bought the house hadn't even bought the house and moved in yet; but they gave him a variance to put in a pool and a patio; and it is one of those oversized houses. He doesn't feel they are really looking at the spirit of the Code. Though he appreciates what the Planning Board was trying to do, he feels the issue should be directly addressed to the Zoning Board of Adjustment to encourage them to adhere to the ordinances on the books.

The Borough Attorney reminded they are not voting on anything and he will put something together for Council review.

4) REPORT – The Borough Attorney reported as follows:

a. Ordinances 7a. through 7d. have been prepared by him and forwarded to the Council for review and summarized same as follows:

7a. (Ordinance No. 2011:1105) Refers to the definitional section re transfer station, specifically the types of vehicles being used to dump things; it defines the term trailer and prohibits the use of trailers

7b. (Ordinance No. 2011:1106) Refers to the Property Maintenance Code and the use of PODS or temporary storage containers that are being used more frequently; this defines the size and duration of placement for the containers and establishes a permit fee; there is a provision where, under certain circumstances, a person can apply for an extension for duration of use; and establishes penalties for this as well; this is an attempt for visual purposes and aesthetic purposes so they are not sitting in a location for a long period of time;

7c. (Ordinance No. 2011:1107) Creates a redefinition of Closter Parking; it was previously called the "Authority" and this redefines it per requests for it to be changed to the "Reserve". The Auditor had some concerns so they made some minor rewording changes to the ordinance to clarify that this is not

a separate entity from the Borough, it's merely a reserve fund for purposes of providing and financing future parking spaces for the public in the commercial area.

6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

7d. (Ordinance No. 2011:1108) Essentially deals with two things; the Environmental Commission and a further definition of what they are entitled to do; and the main change is to make it clear they have the right to study and make recommendations concerning all Borough parkland preserves and natural open space. The ordinance also addresses a change to the definition of Recreation Commission which makes it clear they supervise and regulate all of the playing fields, playgrounds and recreational facilities that belong to the Borough, though it makes it clear it is the Borough's responsibility to maintain the playing fields, playgrounds and recreational facilities as well as the financial aspect.

b. Regarding Tax Appeals, Mr. Rogan informed there is one remaining appeal from 2007 still pending, which is Rosenblum v. the Borough of Closter and Harvest Restaurant. This case was heard; and an opinion on that is pending. Twenty-four tax appeals for the year 2011 have been settled, withdrawn or dismissed. Currently there are five commercial tax complaints pending in tax court; the remaining residential appeals are minimal. There is one left on a vacant property and a total of eight left pending in Tax Court. It is anticipated that after the County Board issues their findings, there will be more tax appeals. In comparison to other towns, Closter is in very good shape in handling and defending them.

Mayor Heymann asked if there were any questions for the Borough Attorney.

Siebert Hagen, 72 Eckerson Avenue referred to Item No. 7d and asked if the Environmental Commission didn't already have the right to investigate. The Borough Attorney explained that this makes it clear and noted that, as a practical matter, they have done a lot of things over the years. It was not clearly stated in the ordinance; and they felt it was appropriate to delineate and make it very clear what powers they are given by ordinance. In response to Mr. Hagen, he assured this was in no way removing powers, simply delineating exactly what powers the Environmental Commission does have.

At this time, Mayor Heymann wished to clarify that this portion of the Work Session was open to questions from the Governing Body only and the public may pose any questions after this portion of the Work Session was completed; and they would gladly address them at that time.

B. BOROUGH ENGINEER

The Borough Engineer informed he sent a Quarterly Status report via e-mail late last week to the Mayor and Council and briefly reviewed each item listed:

- 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 reminded this is a Federally funded project to add sidewalks along Storig Avenue, a very small section of Cedar Lane and Harrington Avenue, along one side of the street only. Bids are due on 9/23/11 here at the Borough.

- 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 reminded this consists of three projects put together to achieve the lower bid prices with larger quantities. The Herbert Avenue Local Aid portion of the project was completed in

late August. The Borough funded portion is Ruckman Road and Crack Sealing. Ruckman Road has been completed but there still are a few minor issues the contractors need to resolve via punch list. The

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

crack sealing will be completed in October when the weather is cooler. The Memorial Field Basketball Court project that is funded by Open Space was started with AJM doing excavation of the courts today. The courts will be closed for two months while they are being worked on.

- 3) 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 – Mr.

DeNicola reported Ingannamorte completed this project at the end of August. Most of this was done on Homans Avenue by the school and some on Durie Avenue in the vicinity of Tenakill Brook and Tenakill Street as well. The paperwork has been submitted to the Borough Administrator for completion and payment.

- 4) REPORT RE DREDGING AND RESTORATION OF RUCKMAN POND, BLOCK 1901, LOT 1 (RM 6/8/11) – The Borough Engineer informed the permit application went to the NJDEP on 9/7/11. We anticipate doing this project next Summer when there is less rainwater and less groundwater. They will dredge the pond 2-3 feet to give it greater depth and capacity. He reminded this is due to the fish kill this Spring caused in part by too many fish in the pond. Lowering the pond will give it more capacity so they can have more fish in it. In response to Mr. Glidden, the Borough Engineer explained that we are at the mercy of the County because the Mosquito Control Commission does the dredging; so it is an issue of when they are available; but we don't have much of a say in that.

- 5) NEW JERSEY DEPARTMENT OF TRANSPORTATION FY2012 MUNICIPAL AID PROGRAM FOR HERBERT AVENUE, SECTION 5, AND BLANCH AVENUE PROJECT (RM 8/10/11) – Mr. DeNicola explained this is the 2012 Local Aid funded project that was submitted for Herbert Avenue, Section 5. This takes us from Palisades Day School, going South to Closter Dock Road. To put the rest of the money to use, if we get the grant, we did a portion of Blanch Avenue from the CSX tracks past West Street to the Borough line where the bridge is at the Dwarskill Tributary. This application went in this past week; and results should be announced sometime in November or December.

7. REPORTS

A. BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE BOROUGH WEB SITE – The Borough Administrator reported he recently participated in an online meeting with one of the companies in the field that has a number of applications that are useful for municipal websites. We do not need to change our web site to take on such applications; we don't need to change our platform or provider. Mr. Wiest said there are a number of companies out there with applications that are useful; and he thinks some of them should be investigated further. He relayed the idea to Kevin Whitney and copied Councilman Kashwick. He further explained these are things that can be added to a web site without changing it while allowing residents the ability to communicate with you more effectively in certain areas. As the web becomes more accomplished and the capabilities available online are more accomplished, we may want to consider making more tools available to our residents.

Mr. Dolson questioned if the presentation received some time ago from the Borough Clerk's office with recommendations could be implemented in this program. He explained it would increase the icons so that instead of people reading paragraph after paragraph, they can select an icon to go directly to that information. He said it is not changing the content, just making it easier to navigate. In response to Mrs. Amitai, Mr. Dolson explained it was a model proposed for the Borough Clerk's office; and he wants to refer to it as user friendly for people who are not used to searching the web. Mr. Kashwick explained it also has to do with the template we are using for the web site and how customizable it is; Kevin may not have the capabilities to do something like that. Mr. Dolson

explained he was aware but passed it along to Kevin and was curious if it was discussed.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

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

a. Education Foundation of Alpine – Alpine Concours d’Elegance Temporary Signs from 9/28/11 to 10/3/11 (1. M.L. 7/28/11) – Mr. Wiest informed that if there is time between the meetings he will check to see if we have the material in his office for everyone’s edification.

3) STATUS REPORT RE COORDINATION OF ADVERTISEMENT OF BIDS FOR VARIOUS EQUIPMENT AND IMPROVEMENTS (RMA10/13/10) – The Borough Administrator informed this is almost complete at this point.

4) FOLLOW UP REPORT RE ROLL OFF TRUCK (Contract received 6/23/11) Mr. Wiest said this is on order and it is a very long lead item. We expect to have it in the late Fall. We don’t expect it for leaf season, but we should have it at the beginning of snow season and hopefully it will be useful to us this year.

5) STATUS REPORT RE P.O. ISSUED FOR DIGITAL VIDEO EQUIPMENT (Awarded RM 5/25/11 to L-3 Communications Mobile-Vision, Inc. - \$18,378) – The Borough Administrator reported the digital video equipment is in place in the Police Department and the base station is installed. It is now much easier for officers to download video from their onboard cameras. This is a dramatic efficiency improvement; and he has heard good things from Deputy Chief Kaine and Sergeant Al Young. We still have one vehicle running the old VHS taping system and we are in the process of converting that over.

6) REPORT RE PRICE QUOTES RECEIVED FOR JANITORIAL SERVICE AND MAINTENANCE OF THE SENIOR CENTER GROUNDS (Approved RM 6/8/11) Mr. Wiest informed a contract has been issued to a local provider for janitorial services. They have not received any feedback yet from the Senior Center, so he hopes all is going well with that. We don’t have anything in line for grounds maintenance right now; but as we get into next Spring, we will look into it further.

7) REPORT - The Borough Administrator reported that after every major storm event the Federal Emergency Management Agency (FEMA) hosts a procedural meeting at the Bergen County Police and Fire Academy, also known as the Bergen County Law and Public Safety Institute. He attended the meeting after Hurricane Irene that was held this past Monday. Mr. Wiest voiced his opinion that Sergeant Winters and Bill Dahle have the reporting requirements pretty well down pat. Mr. Wiest is interested in some of the elements of the funding that may be available for mitigation. We will be looking into and discussing this with representatives from FEMA. Our request for public assistance has to be in by 9/30/11. A kick-off meeting will be held thereafter so this will proceed in the normal course of events. Any funding we do receive will be available late in the year or the beginning of 2012.

B. BOROUGH CLERK

1) STATUS REPORT RE 2011 APPOINTMENTS – The Borough Clerk reported we have only one appointment on the Closter Improvement Commission for a Member that is being carried on the Regular Meeting Agenda.

2) STATUS REPORT RE 2011 OATHS OF OFFICE – Ms. Castano said she is happy to report that Oaths of Office are current.

3) STATUS REPORT RE 2011 LICENSES – Regarding licenses, the Borough Clerk informed as follows:

a) Borough Licenses – The jewelry store on Closter Dock Rd., Le Cristal has moved to Englewood Cliffs; therefore, this name will be removed from the list which is sent to the Police Department for review.

b) Liquor Licenses - Renewal for 2011-2012 - still awaiting special ruling for

Modern Bar LLC, (inactive/pocket) formerly located at the Closter Rec. on Durie Avenue. This is a long process and is usually completed at the end of September. We are still awaiting a Tax Clearance REPORTS (Continued)

7. B. BOROUGH CLERK (Continued)
Certificates for the following licensees: Fresco, LLC d/b/a Paulie's; Rosemarie O'Connors (inactive/pocket) that was transferred from The Assembly.
- c) Transfer - A person to person transfer is currently in progress for Korea Palace to Topside, Inc. (inactive/pocket).

d) Activation of License – Ms. Castano reported today she received a copy of the Certificate of Occupancy for Gjevukaj Restaurant, d/b/a Sear House (formerly Peking Duck House) and, therefore, gave them the 2011-2012 liquor license which was renewed on 6/22/11.

4) STATUS REPORT RE 2011 MEETING DATES – Ms. Castano informed she had nothing new to report regarding meeting dates adding that we are presently preparing the 2012 calendar paperwork for notification to all Borough Boards and Commissions.

5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – No report.

6) REPORT RE ELECTIONS – Borough Clerk informed she will be hand delivering the General Election ballot to the Elections Division of the County Clerk's office on Friday, 9/16/11, by 10 a.m. as requested. Ms. Castano explained our two Republican candidates were sitting up at the dais and introduced Councilmen Barad and Kashwick. She added that they are running unopposed and wished them well.

Borough Clerk reported having received word from the Board of Elections regarding the mandatory Board Workers Class to be held in the Council Chambers at Boro Hall on October 6, 2011 at 6 p.m. She explained that again this year our Risk Management Consultant has requested follow up of the required insurance documents because he is unable to approve the certificate of insurance provided by the County. She contacted our Borough Attorney and received word from him, with confirmation from our Administrator today that we could add same to the Agenda this evening allowing us to have the meeting. While we are awaiting follow through by the Board of Elections, we will be able to inform the 30 or more Board Workers of the upcoming mandatory class. They will be very happy to come here again this year instead of having to drive to Hackensack.

7) STATUS REPORT RE PAPERLESS PACKETS – Ms. Castano reported we are waiting for adoption of Bond Ordinance (No.2011:1103) on the Agenda for public hearing and approval this evening; and upon adoption, it can move forward.

8) REPORT – Ms. Castano reported on the following:

a. Codification - At the end of the year we will be proceeding with a request to General Code to codify the ordinances presently adopted and not yet codified. (At present, we have Ordinance Nos. 2010:1082 to 2011:1102.)

b. League Conference – Atlantic City – 11/15 to 11/17/11 – Reminders were sent to all who may be interested in attending for the following:

1) Pre Registration – The deadline was yesterday and she will proceed with preparing the voucher for payment prior to the deadline of October 1, 2011. (\$50 pre registration/\$60 on site registration)

2) Hotel Accommodations – Responses from almost all Borough officials she sent information to who plan to attend for continuing education units have been received. She will follow through by the end of this week because full payment has to be received by October 14, 2011.

C. CHIEF OF POLICE

1) DEPUTY CHIEF REPORT – Deputy Chief Kaine reported there were some issues during the Hurricane Irene storm. He informed they had a pre-planning meeting the Friday before the storm hit. A standby crew was requested to stay at the fire house and one ambulance was deployed to Alpine in case Closter Dock Road was closed. In addition there was a standby crew here and at the DPW. Deputy Chief Kaine reported as follows: Our major issues were the flooding along Tenakill Brook with Durie Avenue completely closed by 7 a.m. Sunday. High Street and Demarest Avenue

remained open; Harrington Avenue was closed. At approximately 12 Noon on Sunday the reservoir crested about the same time at Livingston Street, Knickerbocker Road and Harrington Avenue by the

7. REPORTS (Continued)

C. CHIEF OF POLICE (Continued)

Exxon. That remained closed until Tuesday afternoon because when the waters receded, a large piece of macadam had been ripped off the road and the County came to repair it. We opened up about 12 Noon on Tuesday. Blanch Avenue by Spectrum was also closed due to the flooding. Our only main roads to get out of Closter were High Street and Demarest Avenue where both bridges were open; and Piermont Road. A week after the hurricane, we had the other major rain storm; and the reservoir crested again at Harrington Avenue and Livingston Street and remained closed for a day. Most of the flooding occurs along the Tenakill Brook along Tenakill and Eckerson; all those houses were flooded.

Deputy Chief Kaine reported that during the storm, County communications went down and we were able to activate our communications downstairs; and the County had Dispatchers stationed in Closter Headquarters. We lost phones for approximately five minutes. We were able to dispatch for the rest of the night during the hurricane through Closter. In response to Dr. Barad, Deputy Chief Kaine explained it was not an Interborough issue; the entire County went down. We were able to run our generator and after five minutes we had no more issues. He assured Mr. Kashwick that we will always have this option.

The Deputy Chief reported we had no major issues during the Labor Day activities or for the 9/11 Memorial Service. Mr. Glidden inquired if we had an idea at this time as to how much overtime was incurred; and the Deputy Chief informed it was very minimal for the hurricane; we only had one person for each shift during the storm and that was it. He informed that Sgt. Winters has all of the vouchers to submit to FEMA for restitution, hopefully.

At this time, Mr. Glidden offered his congratulations to our new recruits. He voiced his opinion that they did a great job. They are obviously excellent candidates; and he hopes they do well. Deputy Chief Kaine reported they are in their fourth week of field training and they are doing excellent. They have great reports and they have seen a lot of stuff already.

D. MAYOR

Mayor Heymann reported there are no changes regarding any of the grants but she does have a few items for her report.

1) STATUS REPORT RE FOLLOWING GRANTS:

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)

7. REPORTS (Continued)

D. MAYOR (Continued)

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 reported that the League of Municipalities is requesting resolutions for their November meeting. She informed the deadline to submit resolutions is October 7th, and suggested they review the list of items the League espouses vis-à-vis the legislature to encourage them to pass whatever we feel would be beneficial to the municipalities. She asked that if anyone had suggestions to let her know so they could formulate the resolutions in time.

The Mayor informed she received a request for an ad in the journal for St. Mary's which is celebrating its 100th anniversary. She reminded that everyone received a copy in their packets as the letter was dated 8/4/11. St. Mary's is requesting a \$50 donation from Closter. Mayor Heymann voiced her opinion that they are a major contributor to the community; and for the Council to congratulate them with a \$50 benefactor's note wishing them well is appropriate for the Council to do. She requested that if everyone is in accord that someone offer a motion to that effect during the Regular Meeting.

At this time, the Mayor reminded that earlier it was agreed to nominate our Borough Attorney for the Michael Pane Award; and she requested a Resolution regarding same for the Regular Meeting.

At this time, Mayor Heymann said she was happy to announce that we pioneered cooperation between the Boroughs of Harrington Park and Closter to use gasoline, which in a larger amount becomes less expensive. We have been providing gasoline for the police vehicles in Harrington Park for some time and we now have a system whereby we have a total record of who is using it. She explained that it is an electronic system and no one can participate unless they have permission. The Mayor said because it has worked so well, Harrington Park encouraged its own Board of Education to participate as well; as is the Northern Valley Regional School at Demarest. She voiced her understanding that the Borough Attorney is going to be writing the appropriate contract. She added that it is another shared service at no inconvenience and no cost to the Borough that is working well for three municipalities that are going to be cooperating. In answer to Mrs. Amitai, she affirmed the vehicles go to the Closter DPW to fuel up. She expressed her sentiments that it was a worthwhile investment to digitize the process.

Mayor Heymann informed there was an article in The Record which pointed out there was a 39% decrease in the number of 1-5 year olds that live in the Borough of Closter from 2000-2010. She explained those figures are extremely misleading. She took the trouble to follow through as did our school system; and she has figures to show, though she does not want to take up time with the details. The figures in The Record are based on only births in Closter during those 10 years and essentially don't take into account what 5 year olds actually end up in the schools. Mayor Heymann provided an

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – SEPTEMBER 14, 2011 - 7:30 P.M.

example saying in 2003, there were only 45 births recorded but there were actually more than double that number that entered Kindergarten 5 years later, over 100. Also, the school population has stayed

7. REPORTS (Continued)

D. MAYOR (Continued)

stable; we have the same number of students in the school in 2011 as we did in 2000. She wanted to bring it up because she does not like that kind of misinformation. The Mayor voiced her understanding that the Census Bureau goes to the hospitals or something like that and record the number of births recorded for Closter; but she is not exactly sure how they come to that number. The fact is they don't base it on who turns 5, which means that children who don't show up in the census figures do show up in our schools.

At this time, Mayor Heymann announced there are two happenings that will be taking place. This Sunday, 9/18/11, the Sadhu Vaswani Center is having their annual carnival with open invitations to the affair from 12 p.m. to 6 p.m. The Chamber of Commerce is having a meet and greet event at The Farm in Closter on 9/22/11. There is an extended invitation to attend and costs \$10 if you reserve in advance and \$15 at the door. She thinks it will be a nice way for everyone to meet one another.

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

Councilwoman Latner reported on the state of the Horn house on Bergenline Avenue, which the Fire Department has found to be in a bad state of disrepair and that same holds all the equipment for the emergency services. Deputy Chief Kaine said he would review the matter with the Superintendent of Public Works.

Councilman Glidden extended his thanks to the Recreation Commission for the Labor Day festivities. Mayor Heymann commended everyone who was involved in those festivities and all who attended and participated in the 911 Memorial Service.

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

Cheryl and Bret Luhman appeared before the Mayor and Council to discuss their sidewalk waiver request at 75 Closter Dock Road noting that the waiver was denied last month at a meeting they were unaware they could attend. Mrs. Luhman asked for reconsideration of the denial inasmuch as it was felt that the sidewalk would be better served across the street in front of the park. At this time there is not a single sidewalk on her side of the street; and the existing sidewalk that starts on West Street ends where the park property begins. Instead of putting the fee towards a sidewalk in front of her property, it would make more sense to put it in front of the park. Mayor Heymann noted that the waiver was denied because no one attended the meeting on the request. Councilman Kashwick noted that installation of the sidewalk was a good idea because of the Water Company trail in that area. Mr. Luhman said he understood the rationale of the Council but felt the sidewalk should be on the park side of the street where it is needed. Councilman Barad said not all properties are developed at the same time; and not doing your property could create a precedent. Mr. Luhman said if he had known that a sidewalk had been required, he would have moved his foundation back 10 feet; and this sidewalk would be cutting into his front yard. Councilman Glidden said he would like to take these comments under consideration; and Mayor Heymann said that this matter would come up at the Regular Meeting

this evening.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

Mary Morgan, 10 English Street, Bergenfield said she owns property at 15 Wellington Avenue and questioned when the house at 131 West Street would be demolished inasmuch as the grass, before it was recently cut, obstructed a driver's vision. She said she has been trying to sell her property without success because of the condition of 131 West Street. Borough Administrator said that he believes the funding issues have been taken care of; and demolition should take place next month after public bids are received. Rodent control would take place prior to demolition.

Leon Lalite, 116 Harrington Avenue, referred to a letter he sent to the Mayor and Council two weeks ago about the flooding problem on his property. Borough Engineer said the property is next to Curtis Place and there seems to be an ongoing dispute with a neighboring property owner. The Department of Public Works oversaw the construction of the roadway; and pictures were taken before, during and after construction. He said the driveway was replaced in the same location; and the Superintendent has indicated that there is no more flooding now than there was before. The property in question is in a low area; and the Borough does not get involved unless they are the cause. Mr. Lalite explained the direction of the water flow, which then pools on the right side of the water without being able to flow into Harrington Avenue. He felt a catch basin should have been installed before the street was paved. Borough Engineer noted that the water is not coming from Curtis Place but from the back yards of surrounding properties. Borough Engineer said he would provide a written reply.

Steve Isaacson, 97 Columbus Avenue, referred to his letters to the editor regarding the analysis performed by the Record on the US Census and noted that immigration has never been taken into consideration during the growth period. He cited the Safe Roads to School Program, which indicates that the sidewalks must be built on the side of the road that is closest to the school. Since Storig Avenue is a very narrow road, he asked that consideration be given to installing sidewalks from Harrington Avenue along the south side of Closter Dock Road through Memorial Field to the school. The property owners on Storig Avenue would not be inconvenienced and then the sidewalk in front of 75 Closter Dock Road would not be needed. He referred to the wording of Item 4b. that does not mention grants and passing the ordinance would not stop you from buying the swim club.

Louis Iovino, 180 Ruckman Road, cited the poor condition of Ruckman Road and referred to a conversation with Mayor Heymann on the paving. He said only the western spur was paved and he questioned why hasn't the entire road been paved and repaired. Borough Administrator said the project this year used left over funds from a prior program and did not have the money to complete the other section. The portion that is paved is by the Fire Department, Ambulance Corps and Department of Public Works and it connected with a finished section at Reuten Drive. When money is available, he feels it should be the next priority. Mayor Heymann said that a capital ordinance would be necessary but there is an impact on the budget, which according to the Governor cannot not exceed 2% each year. The Council would consider a capital ordinance for roads and Ruckman Road would be a priority. The road repair has not been done because of the great many Department of Public Works priorities with a limited staff, but it will be done.

Erik Middleman, 22 Willis Drive, referred to the possibility of a parking lot on Waldron Place behind the park (Hilltop Park) and explained the rumor that prompted his e-mail to the Council. Mayor Heymann said there would not be a parking lot in the foreseeable future. Councilman Glidden said he was apprised of the rumor and he walked the property in question. He expressed his opposition to a parking lot in that area.

John Kilduff, 180 Herbert Avenue, cited the area of Railroad Avenue where Denny Wiggers is

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – SEPTEMBER 14, 2011 - 7:30 P.M.

conducting a landscaping business and noted that the Zoning Board denied his application for a commercial variance. He said that he has been processing materials every single day and that he took pictures of the operation, which he provided to the Mayor and Council. The processor is on residential property and he cited a 15 foot high pile of mulch to be mulched in addition to another pile within 40 feet of a residential property. He cited the log splitter where large logs are brought to be processed. There are illegal gasoline tanks that should have been removed and a maintenance garage for repairing vehicles. He said that trucks are accessing the property from Westminster Avenue. Mayor Heymann said that Wiggers is in court fighting summonses issued by the Borough and the Department of Environmental Protection. Jim Whitney, Property Maintenance Officer, said that in December, three summonses were issued; and the courts fined him \$500 for each summons. Three new summonses were issued in March or April for the same violations; and since then, all of the dirt has been removed from the Ghia property. Last week Mr. Wiggers filed to have a lawyer represent him for the new summonses; and the next hearing would be on October 4th. Suggestions have been made to block off Westminster Avenue. He said if he starts using the Ghia property for access and storage, Mr. Ghia would also be cited. Mr. Kilduff recommended blocking off Railroad Avenue to prevent access to the property. Borough Attorney said he has spoken the Zoning Officer and said Wiggers could be shut down because of the zoning issues because a stay has not been requested. Mr. Kilduff said his son has asthma since 2008 and his oldest has a constant cough

Jesse Rosenblum, 65 Knickerbocker Road, said the residents have been solicited for cheaper utility bills and suggested that this be a forum conducted by the Mayor and Council. Mayor Heymann said that the solicitation was invalid. Borough Administrator said we are in a group with the Board of Education; and our electric price for 2012 has been fixed at this time. At this time we are better off than we would have been. We still pay the distribution price to Orange and Rockland.

Steve Isaacson, 97 Columbus Avenue, said that the Chamber of Commerce sponsored a presentation by Orange & Rockland and they are a transmission vehicle. There may or may not be a cost savings. He hoped the Borough is monitoring Ken's Tree Care since they were cited once before for producing too much mulch causing application for a Class A permit.

- 12. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
- 13. ADJOURNMENT

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

Provided via e-mail to the Mayor and Council on September 23, 2011 for approval at the Regular Meeting to be held Tuesday, September 27, 2011

Loretta Castano, RMC
Borough Clerk

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

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – SEPTEMBER 14, 2011 - 7:30 P.M.

Approved at the Regular Meeting held September 27, 2011
Consent Agenda Item No. 12b.