

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – FEBRUARY 22, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:00 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 6, 2012 and to the Star Ledger and published on January 7, 2012, was 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 Kashwick, David Barad, Arthur Dolson and Victoria Amitai  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, Dennis Kaine

The following persons were absent:

Councilman John C. Glidden  
Councilwoman Alissa Latner

3. MAYORAL APPOINTMENTS (NON SALARIED) TO THE FOLLOWING COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; RM 1/25/12; RM 2/8/12):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ENVIRONMENTAL COMMISSION				
Alt. No. 2	(Adam Nock resigned)	_____	2 Year un- expired to	12/31/12
SHADE TREE COMMISSION				
Alt. No. 2 12/31/15	Kathi Cochran	_____	4 Year	

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

The following Ordinance was introduced at the Regular Meeting held 1/25/12 and was published in The Record on 1/31/12 as stated in the Borough Clerk’s affidavit of publication. Reprints of this Ordinance 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. 2012:1116, “ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR DEFINED CONTRIBUTION RETIREMENT PROGRAM”

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

Motion approving adoption of Ordinance No. 2012:1116 was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Kashwick, Barad, Dolson and Amitai.

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5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 12 and 22 was made by Councilman Barad, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

6. TRANSFER RESOLUTION NO. 6 (Received from Administrator 2/16/12)
7. RESOLUTION AUTHORIZING A (2011) LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION ON BEHALF OF THE CLOSTER VOLUNTEER FIRE DEPARTMENT (45 MEMBERS) (Received from Deputy Treasurer 2/9/12)
8. RESOLUTION AUTHORIZING A (2011) LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION ON BEHALF OF THE CLOSTER VOLUNTEER AMBULANCE AND RESCUE CORPS (27 MEMBERS) (Received from Deputy Treasurer 2/9/12)
9. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$35,058.24 TO BRUCE J. STAVITSKY, ESQ. FBO NIPPON EXPRESS USA INC. FOR BLOCK 1501, LOT 24 DUE TO 2010/2011 REAL ESTATE TAX OVERPAYMENT RESULTING FROM REDUCTION IN REAL ESTATE ASSESSMENT FROM TAX COURT OF NEW JERSEY RENDERED 1/31/12 (Received from Tax Collector 2/9/12)
10. RESOLUTION APPOINTING SCOTT MOONEY OF THE LAW OFFICES OF SCOTT MOONEY, L.L.C. TO SERVE AS ALTERNATE PROSECUTOR AS PROFESSIONAL SERVICE/IN COMPLIANCE WITH PAY TO PLAY REQUIREMENTS (Bid Opening held 2/14/12) (Received from Administrator 2/16/12)
11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO CORE LOGIC FOR THE FOLLOWING PROPERTIES DUE TO TAX OVERPAYMENTS IN THE 1<sup>ST</sup> QUARTER 2012 TAX ACCOUNTS CREATED BY DUPLICATE DISBURSEMENTS (Received from Tax Collector 2/10/12):
  - BLOCK 308, LOT 11, 19 BETHANY CIRCLE - \$4,066.43
  - BLOCK 1713, LOT 31, 16 MAPLE AVENUE - \$1,154.21
  - BLOCK 2101, LOT 11, 47 SUSAN DRIVE - \$4,079.73
  - BLOCK 2102, LOT 37.03, 52 MC CAIN COURT - \$6,203.48
  - BLOCK 2401, LOT 11, 579 CLOSTER DOCK ROAD - \$3,119.64
- ~~12.~~ RESOLUTION AUTHORIZING A CROWN CASTLE LEASE AMENDMENT (Requested by Administrator 2/3/12) TO BE PREPARED BY BOROUGH ATTORNEY (Adjourned from RM 2/8/12)
13. RESOLUTION APPROVING ISSUANCE OF 2012 CERTIFICATE OF COMPLIANCE TO JOHN PETERS PROFESSIONAL LIMOUSINES, 231 HERBERT AVENUE, CLOSTER, NJ, FOR ONE (1) NAMED VEHICLE PURSUANT TO N.J.S.A. 48:16-17; EXPIRATION: 12/31/2012 (Appropriate fees paid and approvals received from Risk Management Consultant 2/13/12 and Borough Attorney 2/16/12)
14. RESOLUTION APPROVING REQUEST BY HAJEE CHOI AND DONGCHUL MIN FOR WAIVER FOR INSTALLATION OF SIDEWALKS AT 15 HARING STREET, BLOCK 511, LOT 12; CONTRIBUTION IN THE AMOUNT OF \$2,700 TO BE MADE IN LIEU OF THE INSTALLATION (Approved RM 2/8/12/Received from Borough Attorney 2/13/12)
15. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2010: CHAN V. CLOSTER (674 Closter Dock Road/Block 2404, Lot 24) (Received from Borough Attorney 2/14/12) \$400 refund
16. RESOLUTION AUTHORIZING MAYOR SOPHIE HEYMANN TO MAKE APPLICATION FOR A GRANT AGREEMENT BETWEEN THE BOROUGH AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN AN AMOUNT NOT TO EXCEED \$3,000.00 TO FUND THE FOLLOWING PROJECT:

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COMMUNITY FORESTRY MANAGEMENT PLAN, GREEN COMMUNITIES GRANT  
 (50% match of total project amount) (Received from Mayor’s Office 2/15/12)

17. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a AS FOLLOWS (Received from Administrator 2/16/12): Commodity/Service: Police & Homeland Security Equipment & Supplies; Vendor: East Coast Emergency Lighting, 1945 4<sup>th</sup> St., North Brunswick, NJ 08902; State Contract #: A74184; Max Amt: \$5,500.24 thru 04/30/12
18. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED COOPERATIVE PRICING SYSTEM VENDORS PURSUANT TO N.J.S.A. 40A:11-11 AS FOLLOWS: (Received from Administrator 2/16/12): Commodity/Service: Ford Expedition; Vendor: Winner Ford, 250 Haddonfield-Berlin Rd., Cherry Hill, NJ 08034; Period: 9/27/11 to 8/31/12; Max Amt: \$26,999.00
19. RESOLUTION DENOUNCING ALL FORMS OF ANTI-SEMITISM AND OTHER FORMS OF BIAS (Requested by Councilwoman Amitai RM 2/8/12/AMENDED BY MR. KASHWICK 2/22/12)
20. AMENDMENT NO. 2 TO THE TEMPORARY BUDGET FOR 2012 (Received from Administrator 2/16/12/AMENDED BY ADMINISTRATOR 2/22/12)

MOTIONS

21. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES  
 (Distributed via e-mail on 2/17/12) ABSTENTION: BARAD:
  - a. SPECIAL MEETING OF FEBRUARY 8, 2012
  - b. REGULAR MEETING OF FEBRUARY 8, 2012
  - c. WORK SESSION MEETING OF FEBRUARY 8, 2012
- 22.—MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; RM 1/25/12; RM 2/8/12):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION				
Member	Wilson Reimers	_____	2 Year	
12/31/13	Alt. No. 1	Donna Arbietman	_____	
2 Year	12/31/13			

23. MOTION GRANTING APPROVAL OF REQUEST BY ALAN SILVERSTEIN FOR WAIVER OF \$74 CONSTRUCTION FEE FOR INSTALLATION OF TEMPORARY WHEELCHAIR RAMP AT 22 PEARLE ROAD (13. M.L. 2/9/12)
24. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS (To fill the unexpired terms left by the passing of Tom Reinecke) Adjourned RM 2/8/12:

BOARD OF ETHICS			5 Year un-	
Member		<u>Ben Pinczewski</u>	expired to	
12/31/16				
JOINT INSURANCE FUND			1 Year un-	
Safety Committee Member		<u>Chris Pesce</u>	expired to	12/31/12

25. REPORTS

- a. FIRE CHIEF – JANUARY 2012 (Received 2/8/12)

At this time, the following actions were taken:

- 25b. Motion approving the replacing the bus shelter at Knickerbocker Road southbound Durie Avenue with green Trenton shelter design was made by Councilman Kashwick seconded by Councilman Barad and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Kashwick, Barad, Dolson and Amitai.

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25c. Motion approving the installation and design of the area with a bench, small plaque and tree at the 9/11 Memorial in memory of Tom Reinecke was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Kashwick, Barad, Dolson and Amitai.

At this time, Mayor Heymann read a Proclamation declaring the following:

THE WEEK OF MARCH 18, 2012 TO MARCH 24, 2012 AS NATIONAL POISON PREVENTION WEEK IN THE BOROUGH OF CLOSTER.

The Mayor encouraged all citizens to pledge their commitment to ensuring the safety of themselves, their families and their community; and asked all to make note of the Poison Control Center Help Hotline number (800-222-1222) to help save lives in times of emergency.

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed for separate discussion and vote.

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. No one wished to be heard.

At this time, Mayor Heymann announced that a copy of Hackensack Tidelines would be included in Council packets that includes an article on recycling. She referred to an article in Monday's newspaper relative to a disabled home in Demarest. Relative to the School Board Election decision by the High School, she outlined the options of the Governing Body to change the election date; and noted that when she heard from the State, she would contact the Council.

Mayor Heymann noted that the Bergen County Bar Association will be conducting its 2012 Annual Land Use Committee Symposium on Saturday, March 10, 2012, (7:30 a.m. to 2:30 p.m.) at Bergen Community College (Technology Education Center – TEC 128); and the Building Department Clerk will handle the registration.

Councilman Barad announced that the High School would be presenting the musical "You're a Good Man Charlie Brown" on March 3<sup>rd</sup> and 4<sup>th</sup>.

26a. Motion approving the following Closed Session resolution at 9:29 p.m. was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann on an affirmative vote of Councilpersons 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 relative to the Closter Plaza Bankruptcy" and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, litigation and matter which should be within 6 to 8 weeks.

Mayor Heymann resumed the Regular Meeting at 9:40 p.m.

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

Motion approving the submission and the Bankruptcy Court Debtors Plan of Reorganization and to vote in favor of the plan with the United States Bankruptcy Court for Irani Properties and the Closter Plaza was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Kashwick, Barad, Dolson and Amitai.

Councilman Kashwick requested that the designation of the AME Zion Church be included on the Agenda of March 14<sup>th</sup>.

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28. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:42 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
via e-mail on March 2, 2012  
for approval at the Regular Meeting  
to be held March 14, 2012

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held March 14, 2012  
Consent Agenda Item No. 22a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – FEBRUARY 22, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, February 22, 2012. Mayor Heymann called the meeting to order at 7:34 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance.

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to The Record and published on January 6, 2012 and to the Star Ledger and published on January 7, 2012, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

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

The following persons were absent:

Councilman John C. Glidden, Jr.  
Councilwoman Alissa Latner

At this time Mayor Heymann asked for a Moment of Silence for Marine Lance Corporal Osbrany Montes De Oca who was killed in Afghanistan this past week.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF FEBRUARY 9, 2012 - 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 Mayor Heymann; Item No. 4 was removed by Councilman Barad; Item No. 10 was removed by Councilwoman Amitai; Item No. 13 was removed by Councilman Kashwick; Item No. 11 was removed by Steve Isaacson.

Item No. 2: Received 02/03/12, dated 02/01/12 from Ilene S. Anesini, Executive Director, Temple

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Emanu-El, to Mayor re Request for approval to close roads the morning of 5/6/12 to conduct the Annual Jerry Fink z'l Memorial Run/Walk, partially through the Borough, to begin and end at Veteran's Memorial Park; all activities to conclude by 10:30 a.m. the run from 8:30 a.m. to approximately 9:15 a.m.; the walk from 8:45 a.m. to 10:15 a.m. (Copy to Chief Kaine, Lt. Winters, Glenn Parsells)

Mayor Heymann said we need to give them an answer as soon as possible once the insurance is received and she will follow-up on this item.

Item No. 4: Received 02/06/12, dated 02/03/12 from JM Sorge, Inc., Environmental Consultants, to NJDEP Bureau of Case Assignment & Initial Notice, Site Remediation Program, c: Municipal Clerk, Borough of Closter, Municipal Health Department, Borough of Closter re Public Notification re Estate of Donald J. Flamm, 37 Homans Avenue, Closter, Block 1318, Lots 3 and 4, PI ID: 566217, NJDEP Case No. 11-10-04-1202-27, JMS Project No. 2010.040 - Copy of Public Notification and Outreach Form, Notification Letter and Recipient Mailing List informing the Estate is conducting an environmental investigation of the referenced property and advising contamination has been identified as Lead in soils at the site; and informing of Licensed Site Remediation Professional (LSRP) as Joseph M. Sorge, and contact information for the Estate (Copy to Construction Official, Environmental Commission) Copy to Board of Health - letter only! (See also 6. M.L. 12/15/11)

Councilman Barad questioned why we were receiving notification again. Mayor Heymann voiced her understanding that they have hired a company to further investigate the situation and this is notification of same. The Borough Engineer affirmed same and said this is the first step in remediation to figure out what they need to do next. He explained they have confirmed what the Borough already found and this is probably the next step.

Item No. 10: Received 02/07/12, dated 02/06/12 from Tony Lupardi, Jr., Lupardi's Nursery Inc. re Requesting permission, on behalf of the Reinecke Family, to install a bench with a small plaque and a tree at the 9/11 Memorial Park in memory of Thomas Reinecke, to commemorate his assistance and direction in completing same; Bench to be paid for by the Closter Fire Department; Trees to be donated and planted by Lupardi's Nursery; final design to be approved by the Mayor and Council

Mayor Heymann requested once in the Regular Meeting that a motion be offered to approve this request in memory of Thomas Reinecke.

Item No. 13: Received 02/09/12 Hand del'd, dated 02/09/12 from Alan Silverstein, 22 Pearle Road re Requesting a waiver of \$74.00 construction fee for a temporary wheelchair ramp (Block 601 Lot 10) (Copy to Construction Official)

Councilman Kashwick asked if the Council wanted to take this up as a waiver; and voiced his understanding that a similar waiver had been granted in the past. Mayor Heymann explained that it was discussed but not carried out so it is appropriate to have a motion to approve the request during the Regular Meeting. Councilman Dolson noted the request is for a "temporary" ramp and assumes it will be removed at some point. The Mayor explained that when it is a permanent ramp installation they charge a permit fee; but for a temporary one, we could waive the fee.

Item No. 11: Received 02/08/12, dated 02/06/12 from Ann Fay, Borough Clerk-Administrator, Borough of Haworth, to Loretta Castano re Copy of Ordinance No. 12-03 amending the Borough of Haworth's Zoning Ordinance to provide for the licensing of outdoor cafes scheduled for public hearing on 3/13/12 @ 7:30 p.m. at the Municipal Center (Copy to Planning Board, Zoning Board

of Adjustment)

Steve Isaacson, 97 Columbus Avenue, a Director/Member of the Closter Chamber of Commerce, noted we do have an outdoor seating ordinance on the books. He explained some of the members feel the ordinance is too prohibitive; that it is primarily for big businesses as opposed to small businesses. He said most businesses could only accommodate two to three tables.

In answer to Mr. Isaacson, the Mayor voiced her understanding that was what the ordinance was written for; and agreed to look into the requirement for partitioning around the tables and noted the ordinance was written about 10 years ago. Mr. Isaacson suggested that there are a lot of take out places in town; and they should be able to have a few tables outside without wait service to just sit and enjoy a meal. He questioned whether having a bench in front of a restaurant was the same as outdoor seating; and Mayor Heymann said she would look into same. In response to Dr. Barad, he said Jerry Boyarsky suggested having one late night a week in Closter to draw people into town at night and, hopefully, attract more businesses. Mr. Isaacson voiced his opinion that if there is a parking problem, by having stores open late, that would allow more spaces to free up during the day while others took advantage of shopping at night. Dr. Barad invited the Chamber to present any ideas or suggestions they have for consideration.

b. MAIL LIST OF FEBRUARY 16, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item Nos. 1 and 8 were removed by Councilman Kashwick; Item No. 4 was removed by Mayor Heymann;

Item No. 1: Received 02/10/12, dated 02/08/12 from Robert A. Abbatomarco, Executive Director, Bergen County Department of Planning and Economic Development Open Space Trust Fund, to Loretta Castano re Public Hearing Notice re Proposed 2011 Open Space Trust Fund Allocations: Closter (pg. 1) Open Space Acquisition Project: \$283,000 for Closter Swim Club Acquisition; Closter (pg. 2) Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund for 2011 Municipal Park Improvements & Land Acquisition Program: \$12,250 for Memorial Park Improvements Batting Cage/Bleachers and \$27,500 for Schauble Park Improvements Walking Track (Copy to Jim Oettinger, Environmental Commission)

Councilman Kashwick questioned whether we were still interested in the Swim Club or if we were going to rescind that project. The Borough Administrator explained that we kept with the process in the event there was a ready resolution to the issues at the Swim Club. The Committee that reviews the Open Space applications recommended for our full application for that same reason; but it does not appear there will be a ready resolution to that. He voiced his understanding that we could approach the County at any time and inform them of same or we could let the process go on and potentially be awarded those funds. In the event the grant is awarded, we would still have to demonstrate that there has been a clean site in order to collect those funds. Mr. Wiest said it is at the pleasure of the Council at this point; and explained we tried to keep it alive while further investigation was done. Councilman Kashwick voiced his opinion that we are wasting the time of the County with this application.

Item No. 4: Received 02/13/12, dated 02/08/12 from Andrea Tingey, Principal Historic Preservation Specialist, NJDEP Natural & Historic Resources, NJ Historic Preservation Office, to Mayor re 2012 Certified Local Government (CLG) Grant Applications Available On-line - Applications must be stamped in at the HPO on or before 12:00 p.m. (noon) on 5/1/12 (Copy to Historic Preservation Commission)

Mayor Heymann announced that we will be filing an application on behalf of Borough



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Hall for this grant.

Item No. 5: Received 02/13/12, dated 02/09/12 from Ronald E. Binaghi, Jr., District Supervisor, Bergen County Soil Conservation District, to Mayor re Letter certifying the project Ruckman Pond Dredging, Ruckman Road, Block 1901, Lot 1, Our File #12-B11078, subject to the outlined conditions as listed; Copy of certified Application for Soil Erosion and Sediment Control Plan Certification; Notice of requirement to apply for a Stormwater Construction General Permit (5G3); Notice that the BCSCD must be notified in writing 48 hours prior to any land disturbing activity; and approved maps - letter only!! ORIGINAL ON FILE IN BOROUGH CLERK=S OFFICE

Mayor Heymann informed there was a meeting yesterday to discuss the project at Ruckman Pond and invited the Borough Administrator to speak about same. Mr. Wiest informed the Bergen County Mosquito Commission met with the Stakeholders and the DPW; and we are on the schedule for a June start. They are optimistic the project will be completed in 2-3 months. In answer to Councilman Kashwick, the Borough Engineer explained we received the permit for the dredging from the NJDEP. It allows us to dredge the basin but not strip the vegetation; and his concern is mainly about the buffers. The Mayor informed the Borough Engineer affirmed that all of the necessary permits are in place. She explained the meeting yesterday was to discuss the amount of material to be moved; and it is about 600 dump truck loads leaving the pond. In answer to Councilwoman Amitai, Mr. DeNicola explained the pond will be deepened to allow the fish more room for a habitat and breeding. Mayor Heymann said the animals that live in the pond need to be provided for in aquariums and other habitats until the project is completed. Another issue is that the material that is being removed will be soaking wet and needs to have time to dry before it is moved. The Borough Engineer said it is going to be a long process. He reiterated that the agreement is between Closter and the County; and the County will excavate the pond, stockpile the material and load it onto Closter trucks. Closter is responsible for moving the material; and testing will be involved to determine what uses the removed material may have.

Item No. 8: Received 02/15/12, dated 02/13/12 from Joseph J. De Mauro, Senior Field Representative, Bus Stop Sign and Shelter Programs, NJ Transit, to Loretta Castano re Offer to Replace a Bus Shelter in the Borough of Closter on Knickerbocker Road, southbound at Durie Avenue, near side; Municipal approval statement and Shelter Design Option sheet with photos attached; Requesting if approved to sign and date municipal approval statement and return with shelter style checked off once complete (Copy to Chief Kaine, William Dahle, III)

Mayor Heymann requested a motion in the Regular Meeting to approve the replacement of the bus shelter. Chief Kaine affirmed he received the information; and although it is on a County road, the DPW maintains the bus shelter. In answer to the Borough Clerk, Councilman Kashwick voiced his understanding this approval is our agreement for the maintenance of the bus shelter. After some discussion, the Mayor asked the Borough Attorney to advise if it is the Borough's decision to select a new shelter or if we are only agreeing to the maintenance of same. After some discussion, the Council agreed on the Trenton Bus Shelter style.

Steve Isaacson, 97 Columbus Avenue, voiced his opinion that it should be up to the people who live in that neighborhood and have to look at the shelter to decide what style they prefer. He said he prefers the Passaic design because it has some protection in the front from passing cars that might splash onto waiting commuters.

At this time, Mr. Isaacson referred back to Item No. 1 and questioned if the Open Space monies

have to be used for the Swim Club or can it be used for something else. The Borough Administrator explained the awards are based on the applications and those applications are site-specific so we would have to file a new application for a different property.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of February 22, 2012)

Mayor Heymann asked whether the members of the Council or public desired to discuss any item on the Consent Agenda prior to vote in the Regular Meeting. Borough Attorney removed Item No. 12 and Borough Administrator removed Item No. 20.

At this time, Steve Isaacson, 97 Columbus Avenue, asked if the Mayor and Council would be addressing the School Board Election. Mayor Heymann said she was surprised at the High School's decision to not have the election in November, which agreed with the majority of elementary schools in the district, leaving Harrington Park, Norwood and Closter out of the loop for the time being. The deadline has passed. Mr. Isaacson said that is the unofficial deadline if you choose to have the election in April; but if the Mayor and Council decide to override the School Board, the deadline would not matter. Mayor Heymann said that she has contacted the State on the matter and is awaiting an answer.

12. RESOLUTION AUTHORIZING A CROWN CASTLE LEASE AMENDMENT (Requested by Administrator 2/3/12) TO BE PREPARED BY BOROUGH ATTORNEY (Adjourned from RM 2/8/12)

Borough Attorney requested that this Resolution be carried since the necessary information has not been received. Mayor Heymann advised that a Crown Castle representative would be at the meeting of April 3.

20. AMENDMENT NO. 2 TO THE TEMPORARY BUDGET FOR 2012 (Received from Administrator 2/16/12)

Borough Administrator advised that the Temporary Budget had been revised.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson had no report regarding the Borough website.

2) REPORT – Councilman Dolson reported on the following:

a. The Board of Health met and approved the resident-sensitive Ordinance regarding wildlife feeding; and there was no audience present to object or affirm its passage. Mr. Dolson informed there was a presentation regarding the way bees are kept. This is a precursor to potentially considering amending part of that ordinance should the need arise in the future. Mayor Heymann voiced her opinion that what they have in mind is rather impractical - both the Board of Health and the Environmental Commission. Right now they are considering having the bees at Buzzoni. Mr. Dolson clarified that was not the Board's consideration; it was the presenter's suggestion. He further explained that the Board will not consider anything until a firm plan is in place for where, how etc. and they did take exception that it is not within their purview to decide anything. Their only interest is if it is done properly and safely, they would possibly consider

lifting the ban. Mayor Heymann explained her concern was that it could not be accomplished at the Buzzoni Farm. Mr. Dolson voiced his understanding that the Board is in support of the safekeeping of the residents and the Borough's property.

6. COMMITTEE REPORTS (Continued)

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

b. Councilman Dolson informed he had nothing new to report regarding the Ambulance Corps.

c. The Zoning Board of Adjustment has a very heavy schedule. Last week they were handed a foot-tall stack of applications. He voiced his opinion that it is incredible the number of people wanting to add patios and pools. The Board is also considering a rather extensive and monumental task that he cannot speak about at this time.

d. Councilman Dolson reported the Annual Financial Statement came out last week. He explained that every year people complain we are spending away the surplus; and last year we only used \$500,000. Thanks to the prudent operations of the Borough, we added in \$1,221,460 so it is more than greatly replenished. Mr. Dolson reported the tax levy collection for 2011 was 98.57% which is a tremendous task. We also exceeded collection of arrears \$300,000 over the estimate which puts us in great shape over some other towns.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden was not present; therefore, no report was provided.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT - Councilwoman Latner was not present; therefore, no report was provided.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported most of the last meeting was devoted to the LEEDS ordinance, of which copies of the proposed changes have been distributed to everyone. He reminded that when the LEEDS ordinance was first proposed there were suggested changes to the limiting schedule. The members of the Council had objected to that proposal because they felt it would have a bad effect on potential development. After additional review, they suggested making a change to keep the bottom level of the limiting schedule the same and have a progressive advantage reaching towards LEEDS certification. The intent was that since there was no backwards trend, there would be no need to grandfather anything in. They wanted to have two pathways to LEEDS certification. When you apply with your plans, you don't know if you are going to have certification. One idea is to have them post a bond. Originally a 1% bond was proposed, but the Committee proposed 10% to give it more teeth. The suggested alternative is to build out to what the base limiting schedule was; and once LEEDS certification was approved, they would get the advantage of being able to build out to that new schedule. Dr. Barad explained that in order not to bring this in right away full blown, they propose to introduce it in phases: residential areas being first and then industrial/commercial. The Ordinance Committee sent their proposal back to the Planning Board two weeks ago; and they were hoping to hear something back by this evening. Mayor Heymann informed the Planning Board Subcommittee had not met yet but was scheduled to do so tomorrow evening.

Dr. Barad informed that based on Councilman Kashwick's suggestion at the last meeting, the Committee also discussed proposing a similar sort of advantage for homes with historical

designation. This would potentially have some advantage for historical designation. Dr. Barad requested the concept be brought up to the Subcommittee.

6. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI) (Continued)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS (continued):

At this time, Dr. Barad expressed his agreement with Mr. Isaacson that they should discuss the School Board issues.

At this time, Councilman Dolson informed he was asked as the Liaison to the Zoning Board of Adjustment to request the opportunity for the Board to review and comment on the LEEDS ordinance since it affects Zoning. The Borough Attorney explained although it is not required, the Council could allow same as a courtesy for referral for input. It is typical and we have done this in the past. Dr. Barad voiced his agreement that the Zoning Board could review and discuss same but said it would not be binding. Mr. Rogan advised waiting until the Planning Board comes back with an answer so there is some agreement between the Planning Board and the Mayor and Council and the Zoning Board doesn't waste their time on that.

Councilman Dolson asked if by removing the paragraph about existing dwellings, does that remove an existing dwelling from putting on an addition that is LEEDS certified. He questioned if the addition would be LEEDS but the house itself would not. Dr. Barad explained the applicant could try to get certification on the existing house and apply for LEEDS certification. If they get the certification, they can potentially get these advantages; but it is up to LEEDS to grant the certification; it is not up to us. In response to Mr. Dolson he said the structure has to qualify for LEEDS certification. The Borough Attorney explained there has to be enough done to the house to qualify for the certification whether it was the entire house or part of the house; as long as it meets LEEDS criteria. He further explained typically it would be some kind of renovation of the house or the addition of solar panels or some kind of flooring. He voiced his understanding a single room would not qualify.

Mayor Heymann explained LEEDS certification involves external factors as well as internal ones, which is one of the reasons why in Closter we could never get Platinum level. It depends on things such as public transportation and those over which we have no control. The specs for LEEDS are very specific in terms of materials used, areas being covered, and there is no way it can cover one portion of a building. At the request of the Planning Board Subcommittee, she has obtained ordinances from other towns that mandate following the LEEDS certifications. Mrs. Amitai noted that when she read through those she did not see any rewards being offered by building larger. Also, there were a lot of things they took into certification that would be applicable to obtain a sustainable credit like roof gardens. Mayor Heymann explained Closter was using a permissive system to encourage people to do it. The ordinances she has collected mandate that the houses must meet LEEDS certification, otherwise you can't build the house. In answer to Mr. Dolson, the Borough Engineer affirmed that in those ordinances it does not affect the zoning.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee met before this meeting. There are a couple of personnel issues that they were dealing with. Mr. Wiest is almost finished with the job descriptions; and they should be distributed shortly. Mr. Kashwick said he has a draft of the performance appraisals that he will distribute to the Committee shortly.

2) REPORT – Councilman Kashwick reported on the following:

a. Historic Preservation Commission – They are working on designations for the Borough Hall and the train station. Almost all of this year’s batch of historic street signs are up. Regarding the AME Zion Church submitted to the Planning Board in January, he asked Mrs.

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON) (Continued)

2) REPORT – Councilman Kashwick reported on the following (continued):

Amitai what the position of the Planning Board is at this time. Mrs. Amitai explained they were waiting until they got closer to the Closter Plaza plans. The Borough Engineer explained they wanted to be clear if the historic designation would affect those plans in any way. The Borough Attorney advised he does not think that is an appropriate thing to discuss linking the two things together. There is no application pending. Mr. Kashwick requested that Mrs. Amitai bring it back up to the Planning Board now that legal counsel has advised there is no reason they could not consider same. Mayor Heymann said the Planning Board will take it under advisement; and Mr. Kashwick noted that as of March 6, the Council can approve it, which would be our next meeting.

b. Shade Tree Commission – They completed the annual accomplishment report and it has been submitted. They are applying for the Green Communities – Community Forestry Management Plan Grant which is on the Agenda this evening. That provides them with the guidelines and planned achievements for the next 5 years and keeps us certified and eligible for grants. They completed the takedown list and prunings in District 1 in January.

c. Environmental Commission – The Commission applied for a trail grant for connecting the Cross Closter Trail up to Norwood and Alpine. There was considerable discussion on bees, therefore, he will not go into further detail this evening. The Green Team is sponsoring a clean-up day on 3/31/12. He asked on behalf of the Green Team, if, for impact purposes, they could put all of the collected trash in front of Borough Hall as a visual and take pictures of it to show just how much plastics have been dumped in the streams and woodlands. It is the intent of the Green Team that passersby see it in front of Borough Hall to make a statement. Mayor Heymann informed she participated in the last clean-up; and although there were only about 20 people, the amount of trash collected was unbelievable. Mayor Heymann ascertained that the general consensus was that it is not worth the effort to dump the trash and rebag it.

Mr. Kashwick reported the Commission also discussed the Barn (MacBain Farm) and they want to get an understanding from the Mayor and Council. They received one estimate from Tom Hennessey for about \$275,000; and they feel it is highly unreasonable for what they are looking for. The Commission would like to bring it down to a range of \$80,000 - \$125,000. They are also looking to get grants for certain green elements they want to install; and wanted to make sure the Council would have no issue with them seeking funding for same. Mrs. Amitai voiced her opinion that how could we possibly say no when we are pushing the LEEDS ordinance; she feels we have to put our money where our mouth is. Mayor Heymann informed the Finance Committee discussed the barn issue and the Environmental Commission will also need funds to cover the roof of the farm house itself. The Borough Administrator informed they are only looking at about \$10,000 for the farm house; perhaps a little more if they decide to do the overhang over the porch as well. Mayor Heymann said just to get the figures straight, our self-tax for Open Space realizes approximately \$200,000 a year; and it is important for us to leave enough funding for acquiring property and repairing property. She said there are a number of park elements that need to be repaired that will affect a lot more people than a barn. As an example, she noted building the bathroom facilities at Mollicone and Schauble parks as they have none; and other improvements at the farm as well as various other things that need to be done. She voiced her opinion that the Barn is on the record and being considered; but it an enormous amount of money, but not cost effective.

Mr. Kashwick asked for input from the Council.

Mrs. Amitai asked if they considered a prefabricated structure; and Mr. Kashwick responded that would likely get us back to the figures we are currently looking at. Dr. Barad voiced his opinion that he does not have enough understanding about the subject to comment on it.

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON) (Continued)

2) REPORT – Councilman Kashwick reported on the following (continued):

Mr. Dolson said they could get an estimate for the structure on its own and the green elements as additives on a piece-by-piece basis to be completed over a longer term basis. He thinks if the structure can be done for \$50,000 - \$70,000 then maybe they could do it in a subcontractor piece-by-piece format. Dr. Barad voiced his opinion that they could get credit for green elements by using alternative materials like bamboo. Mr. Kashwick explained right now they are looking at obtaining exhibits for residents to see as examples: a rain garden, a green roof and solar panels.

Mayor Heymann said she has a conflict because she was very instrumental in having the farm become part of Closter's resources so she has a strong feeling about it. She explained the farm was acquired as a working museum of an early 20<sup>th</sup> century farm. Originally, there was talk of having a barn that would be made of hand sawed planks to continue the idea of hand workmanship of an early 20<sup>th</sup> century farm. Now it has morphed into a solar panel covered roof of a brand new barn. While she is in favor of solar panels, she said she does not see it as part of that farm image and she has a problem with that. Right now there is a rain garden at the new Vantage building and it is being re-engineered by Beth Ravit to be used as a demonstration rain garden. There are also solar panels and other green elements there because this is a solar LEEDS building. She envisions this as being a demonstration area and the farm as being something else in her mind. Mrs. Amitai expressed her agreement with the Borough Clerk's suggestion of a barn-raising and said there are enough local contractors who may bring their families; and it would be an educational experience for everyone. Mayor Heymann voiced her understanding that is not the kind of barn the Environmental Commission is looking for because there are barns to be had. One was removed from Mary Crain's property just last year and was destroyed; but had the Environmental or Historic Commissions been alerted to that, they could have taken that barn. The Mayor agreed with Mrs. Amitai that the barn from the Brooks Farm has potential. She explained there is a potential contract on the property to make it into a flower farm; and they may not need that barn. Mr. Kashwick voiced his understanding that the concept the Environmental Commission has for this barn is not what the Council has in mind. Dr. Barad referred to the Mayor's comments about the original intentions for the farm and said that now that he knows a little more about the situation, he feels it should be considered; and what was intended in the past, should not take precedent forever. On the other hand, he agrees with Mr. Dolson that the barn should be completed first and then the other elements can be discussed later. Mr. Kashwick said that the demonstration models could probably be obtained using alternative funding; and the Borough would not have to pay for those. Dr. Barad affirmed he would support proceeding with the barn project in concept. He voiced his understanding that the consensus is that they prefer the traditional concept. Dr. Barad agreed that the Brooks Farm barn should be preserved and moved to the MacBain Farm. Mr. Kashwick reminded that the barn is already designated as part of the property. Mr. Dolson said in architectural design they provide schematic designs where they don't actually draw up blueprints but more of a cartoon that looks like what you expect it to be as a result. He suggested taking that step because we don't want to keep incurring expenses for a fishing expedition we may not agree with. He feels that if we had a schematic, we could get a better idea of cost estimates. In response to Mayor Heymann, Mr. Kashwick said Mr. Hennessey's estimate comes to about \$293 per square foot.

At this time, Mr. Kashwick asked if Mrs. Amitai had any update from the Planning Board

regarding the proposed Conservation Zone. She informed they are still waiting for the Planner. The Board's attorney recommended a professional planner's opinion before anything is put in writing. The Board feels more comfortable with having a Planner. In response to Dr. Barad, the

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON) (Continued)

2) REPORT – Councilman Kashwick reported on the following (continued):

Borough Attorney clarified he did not suggest a Planner if it only involved Borough owned property, but it would be a good idea if private properties were included. He agreed with the Mayor that if anyone were to contest the Conservation Zone, it would be important that we would have documentation. In response to Dr. Barad's inquiry, Mr. Rogan informed he pulled the letter in question from the file; and the reason that could not be done at that time was because there was a portion of private property attached to it. The original proposal had private and public properties; therefore, the Borough Attorney's office said there was a need for a Planner. Once there were only Borough owned properties on the list, he did not feel that a Planner was necessary because we would not sue ourselves over that zoning. Mrs. Amitai affirmed the Board's position that they are trying to protect themselves so they won't be sued in case someone didn't like something. After some discussion, Dr. Barad reminded it is already in the Master Plan to have a Conservation Zone; and he does not understand the need for a Planner because of that; and Mr. Kashwick agreed. Mrs. Amitai asked if there was a particular property Mr. Kashwick was concerned with; and he informed the Nature Center was his biggest concern. She suggested bringing that up at the Planning Board meeting tomorrow evening. Mayor Heymann said that it is Borough property and it is already on the list. Mrs. Amitai questioned why then we needed an attorney to tell us what to do with our own property. The Mayor said she thinks the list of publicly-owned properties the Borough Engineer compiled can be put into a Conservation Zone to give them that much more protection and can be done by the Planning Board Attorney. Mrs. Amitai clarified the request was to change the zoning of the Nature Center from industrial to put it in the zone using our own attorney. Mayor Heymann affirmed same. The Borough Attorney advised they can do it without a Planner.

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

1) REPORT – Councilwoman Amitai reported on the following:

- a. Improvement Commission – They have not met since the last Mayor and Council meeting but are scheduled to meet next week.
- b. Planning Board – A subcommittee of the Board is meeting tomorrow night.
- c. Building Department – Mrs. Amitai reported they will eventually need another car; and they are considering a hybrid. The money seems to be getting better in the Building Department; and they are expecting some handsome checks to cover the cost of the car. They are also considering how to retain documents in the most efficient way.

7. OLD BUSINESS

- a. CONTINUATION OF DISCUSSION FROM WS 2/8/12 RE “7. MAIL LIST 2/2/12 Received 01/30/12, dated 01/28/12 from Rev. Myung H. Choi, Ph.D. re Appeal against Tree Inspection - 32 Olive Street; requesting mitigation instead of monetary penalty (Copy to James Whitney)”

Borough Attorney noted receipt of an invoice from A&G Lawn Landscaping, Norwood, New Jersey, dated December 12, 2011 in the amount of \$2,000 for tree removal and an invoice

from K&S Auto Body, Palisades Park, New Jersey in the amount of \$783.54 for the rear back window damage which was paid November 3, 2011. He also provided photographs of the trees that were removed without a permit because they were leaning toward the house and a brief explanation as to the reason they posed a danger to the home. The homeowner had applied for a permit to remove two trees and an additional five were removed. The homeowner was fined \$7,000 and is requesting relief from that amount.

Mr. Na said we are seeking relief from the monetary penalty and are willing to plant new trees in addition to paying for the required permit. The contractor provided the photographs and Reverend Choi did instruct the contractor to obtain the required permits. The contractor is willing to cooperate with Reverend Choi to reverse the damage that was done. He read a letter of explanation from the contractor indicating that Reverend Choi asked him to cut down the trees that looked dangerous to him. He indicated that he made a mistake not getting the permit for the additional five trees; but no harm was intended. He said since the contractor regularly deals with the Church, the bill was issued to the Church; but the home is a private residence.

Borough Administrator said perhaps this matter could be reinterpreted as the proper permit had been applied for and how the matter would have proceeded thereafter. If the proper permit had been applied for, there would have been an inspection of the site and an assessment of the trees. A remediation plan would have been formulated including new trees to be planted. If procedure had been followed, this would have been the likely outcome and could be taken into consideration when determining the penalty. Mayor Heymann said that the two unhealthy trees would not have to be replaced but the five leaning but healthy trees would have to be charged off on a permit basis and replaced with appropriate trees suggested by the Borough's tree specialist. The tree specialist could look at the property with Reverend Choi and discuss the types of replacement trees in addition to the fees to be charged.

Borough Attorney said at this point in time, the Council has the ability to work something out with the homeowner. There is some precedent citing Cedar Court up to Laurence Court. Mayor Heymann said she will have the tree specialist meet with the homeowner on this matter and report to the Governing Body.

8. NEW BUSINESS
9. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) (SUBJECT TO A 5-MINUTE LIMIT PER GENERAL RULE NUMBER 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING
10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

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



12. ADJOURNMENT

Motion to adjourn the Work Session at 8:58 p.m. was made by Councilman Kashwick, seconded by Councilman Dolson and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
via e-mail on March 2, 2012  
for approval at the Regular Meeting  
to be held March 14, 2012

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held March 14, 2012  
Consent Agenda Item No. 22b.