

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JANUARY 23, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:02 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 published in The Record and the Star Ledger issues of January 8, 2013, 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 C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad, Arthur Dolson,

Victoria Amitai

Borough Administrator, Richard Sheola

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, Dennis Kaine

3. PROCLAMATION DECLARING MARCH 1, 2013 AS "READ ACROSS AMERICA DAY"
(Honoring the 108th birthday of Theodor Seuss Geisel – Dr. Seuss) (2d. M.L. 1/10/13)

Mayor Heymann read and so proclaimed.

4a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 5 was made by Councilman Kashwick seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

ORDINANCES

5.——INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 2/27/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

POSSIBLE ORDINANCE NO. 2013:1138 "ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200, ZONING, SPECIFICALLY, 200-69E (First Draft received from Borough Attorney 12/27/12/ Second Draft received from Borough Attorney 1/09/13) Adjourned from RM 1/09/13

RESOLUTION

6. BILL RESOLUTION – JANUARY 31, 2013
(Received from Deputy Treasurer 1/18/13)

7. RESOLUTION NO. 1 AMENDING TEMPORARY BUDGET (Received from Administrator 1/17/13)

8. RESOLUTIONS REGARDING THE FOLLOWING PETTY CASH FUNDS (Received from Administrator/CFO 1/17/13):

a. ESTABLISHING NEW PETTY CASH FUNDS, PER N.J.S.A. 40A:5-21, FOR THE FOLLOWING DEPARTMENTS:

1) BOROUGH CLERK – LORETTA CASTANO - \$150.00

2) POLICE DEPARTMENT – CHIEF DENNIS KAINE - \$150.00

3) POLICE DEPARTMENT - DETECTIVE BUREAU – SGT. JOHN MC TIGUE - \$100.00

b. CHANGING CUSTODIAN – DEPARTMENT OF PUBLIC WORKS, FROM HARRY LAMPMAN TO WILLIAM DAHLE, III - \$100.00

9. RESOLUTION AUTHORIZING MAYOR TO SIGN INTERBORO MUTUAL AID AGREEMENT

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BETWEEN THE BOROUGH AND ALL OTHER MEMBERS OF THE INTERBORO RADIO
 COMUNICATION SYSTEM WITH RESPECT TO THE FIRE SERVICE (Received from
 Administrator/CFO 1/17/13)

10. RESOLUTION APPROVING CHANGE ORDER NO. 1 REDUCING CONTRACT PRICE FOR HERBERT AVENUE SECTION 5, BLANCH AVENUE IMPROVEMENTS & SCHAUBLE WALKING PATH, AWARDED TO AJM CONTRACTORS 6/27/12: ORIGINAL CONTRACT PRICE: \$445,911; REDUCTION AMOUNT: (\$79,685.33); AMENDED CONTRACT PRICE: \$366,225.67 (Received from Administrator 1/17/13)
11. RESOLUTION AUTHORIZING THE WAIVER OF PERMIT FEES ASSOCIATED WITH REPAIRS FOR DAMAGE CAUSED BY “SUPER STORM” SANDY (Draft received from Borough Attorney 1/16/13)
12. RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE 2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT (Received from Councilman Kashwick 1/16/13)
13. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE THE CASH PERFORMANCE GUARANTEE IN THE AMOUNT OF \$9,400.00 POSTED WITH THE BOROUGH ON 8/25/12 BY LOCALE CAFÉ/ENVER GASHI, 208 PIERMONT ROAD, FOR SATISFACTORY COMPLETION OF OUTDOOR CAFÉ WITH ISSUANCE OF CERTIFICATE OF OCCUPANCY ON 12/27/12, TO DAVID M. WATKINS TRUST ACCOUNT (Received from Deputy Treasurer 1/3/13) (Received from Deputy Treasurer 1/16/13)
14. RESOLUTION STRONGLY SUPPORTING A-3393 AND S-2324 TO CLARIFY THE LAW REGARDING PAYMENTS OF BUSINES PERSONAL PROPERTY TAXES BY ANY LOCAL EXCHANGE TELEPHONE COMPANIES, THAT IN 1997 SERVED 51% OF A MUNICIPALITY’S RESIDENTS (2b. M.L. 1/17/13 - Requested by Mayor 1/17/13)
TO BE PREPARED BY MAYOR

MOTIONS

15. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/2/13):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION				
Alt. No. 2 12/31/14	Shiran Slutzky	<u>Wilson Reimers</u>	2 Year	

16. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:
 (Distributed via e-mail on 01/18/13) NO ABSTENTIONS:
 - a. REGULAR MEETING HELD 01/09/13
 - b. WORK SESSION HELD 01/09/13
17. MOTION APPOINTING THE FOLLOWING AD HOC COMMITTEES:
 - A. Metropolitan Farm Mediation Committee: Councilpersons Barad, Glidden, Kashwick
 - B. Sanitation Committee: Michael Kafer (Chair), Steve Isaacson, Carl Olsson (~~not~~ confirmed), Louise Ungar, Mary Mayer, Linda Crescenzi

Mayor Heymann explained that the Sanitation Committee is an independent citizens Committee appointed to study privatization. The committee would be given a time line, which she hoped would be four weeks. She said she provided a listing of what needed to be taken care of for discussion and to subsequently bring their recommendations to the Council. The recommendations would give us direction on contracting out or staying in house. The committee will have the cost figures to review and the ability to consult other departments in addition to providing an education campaign for the residents. Councilman Kashwick suggested the addition of a Council member to the committee and Mayor Heymann indicated that there would be a liaison from the Council.

18. MOTION GRANTING APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING HAWKERS AND PEDDLERS LICENSE FOR CALENDAR YEAR 2013 PER BOROUGH CODE CH. 127 (Received from Chief of Police 1/18/13):

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PERMIT NO 2013-001 – ROBERT B. MC BAY, II – REAL ESTATE SOLICITING/
WEICHERT REALTORS

19. MOTION GRANTING APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING HAWKERS AND PEDDLERS LICENSES FOR CALENDAR YEAR 2013 PER BOROUGH CODE CH. 127 (Received from Chief of Police 1/18/13):
PERMIT NO. 2013-002 – ALL AMERICAN HOME SERVICES - SOLICITING FOR MASONRY/LANDSCAPE DESIGN/LIGHTING SERVICES
- a. JOSE HERNANDEZ – 6 WEEKS/TOTAL 3-4 DAYS
 - b. GUADALUPE O. ALMAZO – 1 ½ MONTHS – 6 WEEKS – TOTAL 3-4 DAYS
 - c. CHRISTOPHER J. FREDA – 6 WEEKS TOTAL OF 3-4 DAYS

20. REPORTS

- a. CHIEF OF POLICE – DECEMBER 2012 (Received 1/9/13)
- b. CONSTRUCTION OFFICIAL – 2012 YEAR END REPORT (Received 1/8/13)
- c. FIRE CHIEF (Received 1/10/13)
 - 1) DECEMBER 2012
 - 2) ACTIVITY REPORT 2012
 - 3) INCIDENT PARTICIPATION 2012

19a. Motion appointing Councilwoman Alissa Latner as Liaison to the Sanitation Ad-Hoc Committee was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

4b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

5. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 2/27/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

POSSIBLE ORDINANCE NO. 2013:1138 “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200, ZONING, SPECIFICALLY, 200-69E (First Draft received from Borough Attorney 12/27/12/ Second Draft received from Borough Attorney1/09/13) Adjourned from RM 1/09/13

Motion introducing Ordinance No. 2013:1138 (second draft) was made by Councilman Barad, seconded by Councilwoman Latner.

DURING ROLL CALL VOTE, the Councilpersons explained as follows:

Councilman Glidden said he objected to the Ordinance since it was not the right time to take action on same; and he, therefore, would vote no; Councilwoman Latner said she is concerned with the timing but a change in the ordinance is needed; and she voted yes; Councilman Kashwick said he is less comfortable with the ordinance than two weeks ago; however, it should go forward to allow the Planning Board to give an opinion; and he voted yes; Councilman Dolson said he has the same position as two weeks ago; and he voted no.

ROLL CALL VOTE: Mr. Glidden – No Dr. Barad - Yes
Mrs. Latner - Yes Mr. Dolson - No
Mr. Kashwick – Yes Mrs. Amitai - No

TIE VOTE: 3-3;

Mayor Heymann voted Yes

CARRIED: 4-3.

The Borough Attorney advised that the Ordinance is introduced and would be forwarded to the Planning Board. The Board will have 35 days to provide a response to the Mayor and Council on the proposed ordinance. If a response is not received in 35 days, the Council can act without their input. Their responsibility is to review the ordinance and to determine whether or not it is consistent with our Master Plan. If they determine it is not consistent, the Board should indicate why and can also give recommendations to other changes to the ordinance that could be considered by the Mayor and Council. If they consider it inconsistent, the Mayor and Council can adopt the ordinance but must spell out why they are doing so and what purpose it serves.

21. 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)

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

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

Councilman Kashwick congratulated the Borough Administrator on his ICMA credentials which is a combination of experience, education and commitment to lifelong education and learning. He explained the requirements of same and indicated that he is proud of this accomplishment.

Mayor Heymann announced her participation in the League of Municipalities Battle of the Bulge/Skinny News program. She announced annual theme of the Heart Association to go red to save women's lives through heart healthy on February 1st.

22a. Motion approving the following Resolution at 9:26 p.m. 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.

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)(4), "A collective bargaining agreement"; N.J.S.A. 10:4-12(b)(5), "A matter involving the expenditure of public funds for the acquisition of real property" and 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 matters which should be within 12 weeks.

Mayor Heymann resumed the Regular Meeting at 10:24 p.m.

23. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:24 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on February 8, 2013 for
approval at the Regular Meeting to be
held February 13, 2013

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held February 13, 2013
Consent Agenda Item No. 18a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – JANUARY 23, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, January 23, 2013. Mayor Heymann called the meeting to order at 7:31 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 published in The Record and the Star Ledger on January 8, 2013, 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 C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,
Arthur Dolson, Victoria Amitai

Borough Administrator, Richard Sheola

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, Dennis Kaine

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JANUARY 10, 2013 – Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed by the following individuals: Item No. 6 was removed by the Borough Clerk. Item No. 8 was removed by Councilwoman Latner.

Item No. 6 Received 01/07/13, dated 01/03/13 from Jonathan & Cynthia Cohen, 7 Taylor Drive re Snow removal on Taylor Drive corner – 2nd request for correction of condition and response with copy of original request dated 01/09/12

Mayor Heymann advised that we are following up, the DPW is aware of their concern and she has communicated with them.

Item No. 8 received 01/08/13, dated 01/08/13 from DM, Closter, NJ 07624(a concerned taxpayer) Question why the Mayor and Council would ever consider awarding the garbage contract to Miele Sanitation and informing of intent to write to the EPA to inspect the Transfer Station in Closter.

Councilwoman Latner questioned if there was any response to the letter and Mayor

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Heymann indicated that it was just a letter.

b. MAIL LIST OF JANUARY 17, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 3 and Item No. 4 were removed by Mayor Heymann. Item No. 2c was removed by the Borough Clerk

Item No. 3 Received 01/14/13, dated 01/14/13 from David B. Hollenbeck, Regional Public Affairs Manager, Bergen County re offer from NJ Tree Foundation for free trees to plant on Arbor Day (Copy to Shade Tree Commission, Environmental Commission)

Mayor Heymann said she called attention to the offer to the Shade Tree and Environmental Commissions and said they should be following up on same. Steve Isaacson, 97 Columbus Avenue requested a copy of the offer.

Item No. 4 Received 01/14/13, dated 01/14/13 from Katherine Friese, Event Planner, Closter Chamber of Commerce re request to give presentation and obtain permission to proceed with a Farmers Market (as a gathering place) in the downtown area on Sundays between April and October/locations not yet determined.

Katherine Friese appeared before the governing body and provided a flyer on the farmers market showcasing local farmers, artisans and non-profit groups and located in a parking lot that would not require street closure. The market would be held every week on Sundays from 10 a.m. to a time in the afternoon to be determined and the vendors would provide specialized products including fresh fruits, vegetables and bakery items. She said she has researched a number of markets; and at this time, there are no markets in the surrounding area. The market would revitalize the downtown; and markets are on the rise. Ms. Friese said she would be the market manager for the Chamber which would also include obtaining all of the required permits from the municipality and coordinating with all of the non-profits and the emergency service departments. Mayor Heymann noted that the Borough's planner felt strongly that there is a market for arts and crafts, which she felt should be heavily emphasized rather than fresh produce. Councilman Barad said he felt it was fresh produce that would bring people to the market; and Ms. Friese said that the vendors would be more unusual such as one that specializes in Korean produce.

Ms. Friese said that insurance for the market would be provided by the Chamber of Commerce and that a Meet and Greet is scheduled for April 4, 2013. She said that the necessary permits can take 6 to 8 weeks to obtain. Borough Administrator suggested that the Council consider an ordinance to provide for this type of activity. He noted that the market would be drawing people to the downtown area which is closed on Sundays. Councilman Barad asked the Borough Attorney to obtain ordinances on this subject from other municipalities. Councilman Kashwick commended the Chamber and noted that it would give the Borough credits for the Sustainable New Jersey program and said that the Green Team is readily available to assist the Chamber. Ms. Friese said if she could get the go ahead, she could reach out to local producers. Borough Attorney advised that the Council can give approval to the conceptual plan to go forward subject to location. Ms. Friese said if she cannot obtain a parking lot, she would come before the Council for another location.

Item No. 5. Robert Laux, Exec Director BCUA to Administrator re Certified Recycling Professional Tonnage Grant Assistance program – free service – deadline 3/28/13 –

Borough Administrator advised that the Borough's Certified Recycling Coordinator, Carole Dacey, would be preparing the required paperwork.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of January 23, 2013)

Mayor Heymann asked whether any member of the Governing Body desired to remove any of the following Consent Agenda items for discussion.

ORDINANCES

5. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 2/27/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

POSSIBLE ORDINANCE NO. 2013:1138 “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200, ZONING, SPECIFICALLY, 200-69E (First Draft received from Borough Attorney 12/27/12/ Second Draft received from Borough Attorney 1/09/13) Adjourned from RM 1/09/13

Councilwoman Amitai questioned if this is the original ordinance and if the Zoning Board Attorney had written an opinion letter on same. Borough Attorney said he did not believe the attorney had taken a position and has just been notified that this could be referred to him. The Zoning Board has not considered this matter since there has been no filing to the Board. Mayor Heymann said that the developer’s attorney has indicated that the matter should be before the Planning Board. Borough Attorney said he has not seen the full application; but on that particular issue, an argument in terms of jurisdiction could be made both ways. He said that the argument put forth by the Planning Board Attorney is valid since by virtue of the ordinance which says you cannot have more than one building on one lot. He said the history of the town is contradictory to the ordinance; however, the problem the Planning Board Attorney had with the application is that one of the buildings was going to be knocked down and rebuilt causing concern for him. The applicant’s position contained in the opinion letter was even though the ordinance exists, we are not changing anything since the square footage would be the same; and this could be done through the Planning Board. Councilman Barad expressed concern that because of the ordinance the matter would be heard by the Zoning Board and not the board that does planning. He felt this would open problems in guiding this development. Borough Attorney said if there was an approval challenge, the attorney for the Board that heard the application would appear in court; and he felt there would be litigation no matter what happens based on past history.

Councilman Barad indicated that he thinks the ordinance we have is wrong and needs to be changed. Councilman Dolson said there is an ongoing case before the Zoning Board that is three years old and had been remanded to the Board due to an invalid site plan that had more than one building on a building lot that had been approved by the Planning Board. He felt that this ordinance would interfere with that particular case which would be in court for a long time as well. The zoning has been altered all these years for the betterment of the community to preserve open space and now we are going backwards. If we are going to go backwards, let’s do it 100% not piecemeal. Councilman Barad said this particular ordinance is not written in keeping with zoning ordinances of other communities and the ordinance is something of an aberration. He felt that this is not the way normal zoning is done. Borough Attorney noted that if any decision is made it is made on the strength or weakness of the ordinance and its consistency with the Master Plan as opposed to any particular application that is pending or has been heard. Councilman Barad said it should not be passed in favor of another application and should be taken on its own merits. He

said it should be introduced this evening and discussed. Borough Attorney said introduction of the ordinance was voted down at a previous meeting and could be considered for introduction this evening. Mayor Heymann said if you vote on Item No. 5 for introduction, it would then be sent to the Planning Board for discussion and review before it is referred back to the Council. Councilwoman Latner expressed support for opening the ordinance for discussion.

RESOLUTION

11. RESOLUTION AUTHORIZING THE WAIVER OF PERMIT FEES ASSOCIATED WITH REPAIRS FOR DAMAGE CAUSED BY “SUPER STORM” SANDY (Draft received from Borough Attorney 1/16/13)

Borough Attorney advised that Columbus Avenue was misspelled and has been corrected.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE -

2) REPORT – Councilman Dolson reported that the Committee has organized and started to formulate the 2013 Budget. He noted that a great job is being done for the community and they will appreciate our efforts. Meetings will be held with the major departments and it is intended to have a good budget for the future planning of the community. He reported that the Board of Health did not meet last month and that the Zoning Board heard three cases recently. Tonight of the three cases scheduled, two backed out and one case is three years old. He said the Zoning Board is going to look to regulate or enforce attendance. In addition some of the applicant’s professionals are not really very good causing plans to be redrawn because they are not conforming to the laws of the Borough of Closter. He said that approved plans receive an added assessment to their taxes. He did not believe that the delays were to avoid paying additional taxes. Mayor Heymann said there are issues that take a long time because the applicants try to use the Board as a venue of change instead of a venue for justice. The Zoning Board is intended to be a judicial board. A case that was appealed on behalf of two residents of John Street and conflicting opinions were given by two courts.

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

1) REPORT –Councilman Glidden had no report.

Relative to the Finance Committee Report, Councilman Glidden said the Borough Administrator did send a notice to department heads on budget hearing meetings to be scheduled. This will give department heads an opportunity to discuss department budgets.

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

1) REPORT – Borough Administrator to update the Council in Closed Session. Councilwoman Latner reported that the Library is using the Polaris System that has proven very effective and that a new printer has been ordered. Relative to the staff manual, Borough Attorney said he recommended that they conform their manual with the Borough’s and the JIF manuals. She said the Library heard that Cresskill was getting an estimate for a new generator. Borough Administrator said he has a generator listed in the Capital Budget for the Library in the amount of \$30,000. Councilman Dolson said that a generator for the Senior Citizens building has been

included in the Capital Budget.

6. COMMITTEE REPORTS (Continued)

At this time, Councilman Glidden said the bids for the bathrooms at Schauble and Mollicone are due to be accepted on January 29th. Twelve contractors have picked up the bid forms, which is very encouraging; and if a favorable bid is received, we will be in the position to act on same at the first meeting in February and operational before Opening Day.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS –Councilman Barad reported on a committee discussion relative to two-family houses. He said progress is being made on that issue and that the Borough Attorney provided very interesting information. It was thought that it must be proved that the structure goes back to 1940 but it may go back to 1955 when the ordinance was actually changed. Borough Attorney said that upon the adoption of the CCO Ordinance, the Zoning Officer and Building Department have reviewed not only the upgrades but if there was a question as to the legality of the two family use, the matter was referred to the Zoning Board. The burden of proof was that it was in existence prior to 1940 but the actual ordinance that outlawed two family dwellings was adopted December of 1955; and that is the date that must be proved. Also, under discuss is what standards should be used to trigger the review of the Zoning Officer as to whether the houses have been reconstructed.

2) REPORT – Councilman Barad reported that he spoke to Mr. Linn on the School Board Election who was in attendance at the meeting. Mayor Heymann said that discussion is scheduled for later in the meeting.

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS –Councilman Kashwick reported that the meeting scheduled for this evening has been postponed; and he would like to have a conference call next week to discuss employee goals for this year.

2) REPORT – Councilman Kashwick reported on the Environmental Commission meeting at which time the Green Team reported that 65 people attended their presentation of the film “Dirt”. The trails grant was discussed in addition to boardwalks at Hagen Park. Ethel Abrams was sworn in as an Associate Member as well as Robert DiDio and Brenda Cummings. The Conservation Zone ordinance was reviewed as well as the Recreation and Open Space inventory on the State web site where discrepancies were noted.

Councilman Kashwick also reported that Anthony Ix was sworn in on the Shade Tree Commission as well as George Futterknecht and Anthony Lupardi. The Tree City application is due to be submitted tomorrow. This past year the Commission planted 62 trees, pruned the trees in Election District 6, removed 17 trees in addition to 35 trees lost due to Superstorm Sandy. We are working on the 5 year Community Forestry Plan to be completed by June. The Historic Preservation Committee will meet next week. He said he would have a real estate acquisition item for discussion during Closed Session.

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

1) REPORT – Councilwoman Amitai reported that the Planning Board would be meeting tomorrow night and the Building Department meeting would be scheduled shortly. Tina

Stratton stepped down as Chair of the CIC and Maria Kim has been nominated as Chair. We also

6. COMMITTEE REPORTS (Continued)

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

1) REPORT (Continued)

inducted former Mayor, Fred Pitofsky and returning members Shiran Slutzky and Ann Brewster. There is one more new member to be sworn in at the next meeting. More oaths and financial disclosure forms will be submitted to the Borough Clerk. Complaints have been received relative to Code enforcement; and same will be discussed at the Building Department meeting. Iris Barad suggested that the tiny lights on the trees during the holiday season should be lit all year long on Main Street; and this will be discussed after input from streetscape electricians on possible cost. Mayor Heymann expressed support but indicated that the present sign ordinance prohibits lights being used outside of the holiday season; but the revisions are almost finished and ready to be forwarded to the Ordinance Committee.

7. OLD BUSINESS

8. NEW BUSINESS

a. DISCUSSION OF SCHOOL BOARD ELECTION DATE (Requested by Mayor 01/14/13)

In response to Mayor Heymann's inquiry as to who would address the Governing Body first, Mr. Linn asked how would she like them to start. Mayor Heymann explained she would like to give them the opportunity to explain why they are taking the position they are and answer questions they may have. Tony Linn explained that the School Board supports keeping the election date as it presently exists since it allows the community to vote on the Budget and also removes the School Board from the complications of the political environment in Closter. Peter Iappelli said from a budget perspective he would like to have the election moved because he would not have to worry about a vote. If the election were moved to this November, the Board had in the 2011/2012 year a half a percent increase in the tax levy. The difference between that and the CAP has been banked and rolls forward. It is not a hard 2% CAP that you have to be within only within the CAP Law which states that the School Board could decide during the 2012/2013 year there would only be a 1% the remainder of which would roll forward. Therefore, the Board could choose to have a 4½ % increase this November without any vote; and we would be within the CAP. Mr. Linn reminded that there is an expense item with keeping the vote in April vs. November and the Board feels that cost is not persuasive as an alternative to removing the ability of the residents to vote on its own budget. In response to Mayor Heymann's request, Mr. Iappelli advised that the last four elections prior to 2012 averaged \$5,825 and the last election was \$13,512; and this was caused by the fact that the High School moved their election date.

Joann Newberry, Superintendent of Schools, asked the Council to consider removing the voting from the schools due to security concerns. Closing the schools on Election Day would be inconvenient for the parents and force make up days for the students. During the hurricane this year, the Board of Elections did make plans to move the vote to the Fire House. Borough Clerk said the location of the polling places are the purview of the Board of Elections. At one time an election was held at the Senior Center, which is large enough to accommodate (the voters in three districts) and the Fire House could be used since there is a backup generator. She voiced her understanding that all six districts could not be accommodated in one location since you must allow for a polling place location within each district.

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

Jesse Rosenblum, 65 Knickerbocker Road, referred to the proposed ordinance and indicated that there was no mention of the definition of a lot, which he proceeded to explain. Borough Attorney said the proposed ordinance would provide for more than one building on a lot and would supersede the definition of a lot. After 1940, more than one building was allowed on a lot but this was changed by subsequent zoning in 1984. Relative to a question on Hickory Lane, Borough Attorney said that the County Agricultural Board visits farms each year. Borough Engineer said that this particular issue has been referred to the State; and an answer has not been given on the matter as yet.

Steve Isaacson, 97 Columbus Avenue, thanked the Mayor and Council on behalf of the Chamber of Commerce for distributing Chamber inserts. Relative to lighting the trees on Main Street, he indicated that we would not be able to see the stores; and if placed higher in the trees, it would light up the upper story windows. He said before prohibiting anything from happening before it does, he felt there should be a 6 month hiatus to allow the stores to do what they want and then prevent what you do not like. Mayor Heymann said that the intention of the new sign ordinance is to allow more leeway for creativity. Mr. Isaacson noted that the meeting was not open to the public during the review of the Consent Agenda Items. Borough Attorney said that at the Work Session the public is not supposed to talk at all and the Work Session is for discussion among governing body members. Relative to the proposed ordinance, Mr. Isaacson said that even if same must be amended and supplemented, the timing is not appropriate and the Council is making a big mistake.

Carl Olsson, 215 Irving Avenue, said moving the school vote to November would remove one day of interruption of school activities and would consolidate voting. School Board members create the budget and it is primarily the members of the school community who vote. If the election is held in November, there is a chance that the School Board could change; and if it could change, there could be a very different budget. Staff keeps increasing and enrollment is going down. When the present Superintendent retires, her compensation which is in excess of \$200,000 would be forced down to the new maximum of \$40,000 or \$50,000 that the law allows. He questioned how this would be used and supported money going back to the taxpayers. He supported moving the election to November to change the School Board to all of the voters to vote on the School Board and Budget.

Steve Isaacson, 97 Columbus Avenue, said everyone can vote in November and in April but the number of voters at each election should be considered. Councilman Kashwick said that this item could be put on the ballot in November to ascertain public opinion. Borough Attorney said he would check on that option.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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 Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on February 8, 2013 for
approval at the Regular Meeting
to be held February 13, 2013

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held February 13, 2013
Consent Agenda Item No. 18b