

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – JANUARY 9, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, January 9, 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 Early Meetings which was sent to The Record and The Star Ledger and was published in both newspapers on December 18, 2012, was posted on the Municipal Clerk's bulletin board and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,
Arthur Dolson and Victoria Amitai
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Superintendent of Public Works, William Dahle, III

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF DECEMBER 27, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item Nos. 2b, 3 and 6 were removed by the Borough Clerk.

Item No. 2 b: Received 12/21/12, dated 12/21/12 from William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks re OPRA & OPMA Bills Held (S-1451 & S-1452)

Ms. Castano noted that these Bills have been held in the Senate, hopefully for more amendments and has been referred to the Borough Attorney as the issue is ongoing.

Item No. 3: Received 12/21/12, dated 12/21/12 from egg@dca.state.nj.us to Municipal Clerk re Rule Proposal – User-Friendly Budget for Municipalities (Copy to CFO)

The Borough Clerk informed this item has been referred to the Chief Financial Officer.

Item No. 6: Received 12/26/12, dated 12/07/12 from Gregory B. Vida, Director, NJ Department of Community Affairs, Division of Housing and Community Resources, to Mayor re Recreational Opportunities for Individuals with Disabilities 2012, Revising Grant Agreement #2012-05157-0351-00, dated 7/18/12, Grant Amount \$5,000.00; Revision # 2012-05157-0351-01 to modify the budget to reflect a change in the use of funds already awarded and to modify the grant/loan award period of the Agreement (Original to Mayor 12/27/12)

Ms. Castano noted the 2012 ROID Grant has been modified and the information will be updated in

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the Mayor's Report under "Grants Awarded", Item No. 2b.

b. MAIL LIST OF JANUARY 3, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 1 was removed by Administrator; Item No. 3 was removed by Councilman Barad; Item No. 4aI. was removed by Borough Clerk.

Item No. 1: Received 12/28/12, dated 12/26/12 from Anum Ahsan Qureshi, Finance Office, to Maria Passafaro, c: Richard Sheola, Administrator/CFO re Resignation as P/T Finance Clerk at the Borough of Closter effective 1/11/13

Mr. Sheola explained that Annie's last day is this Friday as she will be moving back to Saudi Arabia as she got married a few months ago. He voiced his opinion she has been a terrific asset while she was here and wished her well in her future endeavors.

Item No. 3: Received 12/31/12, dated 12/31/12 from Cindy W. Randazzo, Director, Office of Local Government Services, NJDEP, to Borough Clerk re News Release Dated 12/31/12: DEP Reminds Residents to Recycle TVs, Computers and Monitors as Required by Electronic Waste Management Act (Copy to William Dahle, III, Carole Dacey)

Councilman Barad asked how the Borough was handling the recycling of electronic waste as mentioned in the notice. William Dahle, III, (Superintendent of Public Works) explained that there is a collection from the DPW yard handled by a vendor at no charge to the Borough. In answer to Dr. Barad he informed there is a closed container to protect the items as part of the Storm Water Act which prohibits items from sitting outside. The Administrator explained that there is information regarding same on the recycling pages in the calendar but noted electronic recycling is separate. Dr. Barad questioned how people were alerted to the fact that electronic items may not be placed at the curb. Mayor Heymann explained that she usually has these notices posted on the website and she will make sure this notice is posted as well.

Item No. 4aI: Received 01/03/13, dated 01/03/13 from William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks re 2013 Campaign Contribution Notice for distribution to all (Borough employees)

The Borough Clerk informed this notice has to be distributed to all Borough employees and said historically the Administrator provides the notice to be distributed with paychecks so that everyone is sure to receive it.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of January 9, 2013)

Mayor Heymann asked if any member of the Council or public wished to address the items on the Consent Agenda. Councilman Kashwick referred to Item No. 4a; Councilman Dolson referred to Item Nos. 4b and 6.

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

a. ORDINANCE NO. 2013:1137, "AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY, CREATING ARTICLE XVIII, CONSERVATION ZONE" (Received from Borough Attorney 12/27/12)

Councilman Kashwick explained that the Conservation Zone is limited to Borough owned property of individual lots of 5 acres or more or contiguous lots encompassing 5 acres or more. The ordinance, if introduced this evening, would be forwarded to the Planning Board.

b. POSSIBLE ORDINANCE NO. 2013:1138 “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200, ZONING, SPECIFICALLY, 200-69E (Received from Borough Attorney 12/27/12)

Councilman Dolson noted since we are not entertaining any applications at this time, consideration should be given to postpone the introduction of this ordinance until after a case occurs to preclude a lawsuit. Mayor Heymann noted that the Planning Board has hired a Planner to review the business zones and would explain this recommendation to the Planning Board if the Council approves first reading of the ordinance. She said she did not see the ordinance as a threat to the continuation of progress with the Plaza and felt it would have no effect on legal actions. Councilman Dolson noted that he did not share her enthusiasm inasmuch as we are all aware of our litigants. Mayor Heymann said that the likelihood is that they would sue anyway. Councilman Barad said he would like to discuss this ordinance based on the merits of the ordinance amendment; and the Planning Board can advise us relative to planning issues. He noted that it has the partial support of the Zoning Board Chairman who thought there were enough properties in the business zone that were made pre-existing and non-conforming when the existing version of this ordinance was passed. This ordinance is a correction of a mistake that was made years ago. There are other aspects to be discussed after introduction and feedback from the Planning Board, the Planner and the public.

Councilman Glidden noted that in the past we have been accused of spot zoning; and he shared Councilman Dolson’s concerns about the Plaza application inasmuch as it may not be timely to amend our zoning ordinance. Borough Attorney said the initial case with the Closter Plaza has yet to be decided and the amendment of the building size in the business zone was one of the issues raised in the lawsuit. Prior to this past year the law was that a governing body had the right to change its ordinances even during a pending application but that law has changed. A municipality cannot change the zoning code in the middle of an application; and, therefore, is locked in from the date of filing of the application. Mayor Heymann said that this particular ordinance would have no effect on anything before the Planning Board at this time. Councilwoman Amitai expressed her opposition to introduction of the ordinance and questioned a statement from the minutes of December 26 wherein the Mayor indicated to Kurt Haiman that the application was withdrawn. Mayor Heymann said she thought the application had been withdrawn but she was wrong. Councilwoman Amitai said she had contacted the Zoning Board Chairman who said he would be in favor of the ordinance in the business zone but definitely not at this time. Dr. Barad said that although they did not require the Chairman’s approval for this ordinance, he had spoken to him last week and was informed he agreed with this. In answer to Councilman Kashwick, Borough Attorney said that if the ordinance did not go forward, the Planning Board Attorney would have to determine if an application should be submitted to the Planning Board or Zoning Board; and would have the right to request a brief from the applicant or the public as to the reason why an application should not be before the Board.

In answer to Steve Isaacson, 97 Columbus Avenue, Mayor Heymann said if the ordinance is passed, it would have no effect on anything before the Board at this time; but if a variance is required for this particular issue, there is a question if they are before the right Board. Borough Attorney said that the proposed ordinance is addressing a particular ordinance in the Borough Code, which prohibits more than one building on one building lot in the business, commercial and industrial zones. Essentially every business lot from Piermont Road to the Clock Tower has more than one building; and, in essence, the ordinance that was adopted ignored everything that was there. This ordinance would bring into compliance what presently exists. Closter Plaza is comprised of one lot with 4 or 5 existing buildings.

6. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECKS FOR REAL ESTATE TAX OVERPAYMENTS IN THE FOLLOWING TAX ACCOUNTS DUE TO DOUBLE PAYMENTS IN WHICH THE MORTGAGE COMPANY, CORE LOGIC, REQUESTED A REFUND (Received from Revenue Office):

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
1601	14	311 LINDBERGH AVENUE	\$4,600.00
2102	37.04	62 McCAIN COURT	7,085.35
2404	9	11 VIVIAN LANE	3,195.20

Councilman Dolson noted that Core Logic still has not hired the right bookkeeper. It is an unnecessary responsibility for this community to exercise so much time and effort to correct their mistakes.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney informed he had updates on a few items for the Council this evening.

a. Crown Castle – The company that rents the cell tower is looking to have further discussions with the Borough. He explained that in the past we have had many back and forth discussions with them regarding proposals they have sent as well as certain concepts we have presented to them. There is a meeting scheduled to be held 1/24/13 to hold these discussions. Mr. Rogan noted the Administrator received a letter today, and Mr. Sheola passed out copies, which outlines some of the issues Crown Castle is looking for in addition to starting renegotiation of their contract to make provisions for certain additions. He reported that he and the Administrator would attend the meeting in order to clarify the reasons why they are looking for these things and report back to the Council for their consideration.

b. Metropolitan Farm – Mr. Rogan reported he met with a committee and the residents group regarding Metro Farm regarding the status of this matter. He asked the Council to consider a Closed Session to discuss same and explained we do not have a date yet from the State Agricultural Board but he anticipates same being provided soon for that hearing. He would like to update the Council under pending litigation in Closed Session.

c. Recycling Contract – Borough Attorney reported the Recycling Contract has been distributed and discussed by the DPW Committee. He reminded the Borough recently looked into the possibility of combining recycling pickup with trash pickup; therefore, the renewal of this contract was put on hold so the Council should discuss this evening the possibility of renewing this contract or consider other options. Mr. Rogan noted he distributed to the Mayor and Council an updated draft of a renewal contract with the current provider, Miele Sanitation. He pointed out this is the same contract the Borough has had for years and the only change is contained in one paragraph where it would allow Miele to get out of the contract if the Borough should decide to reconsider privatization and do so during the calendar year of 2013. If Miele turned out to be the lowest successful bidder, in that case, they would merge the recycling and sanitation contracts into one; and if not, then it would be a one year contract. He urged the Council to discuss the matter this evening as right now we are without a contract for recycling pickup. In answer to Dr. Barad he advised Miele did pick up today based on the representation that the Council would be discussing the contract this evening.

d. Giua Litigation – The Borough Attorney requested a Closed Session to discuss the easement issue he brought up a few weeks ago.

On a side note, the Borough Attorney was pleased to announce that various Borough agencies received an inheritance from the Estate of Marion Wehmeyer who left bequests to the Library, Police Department, Fire Department, Ambulance Corps. and Nature Center. He said he did obtain a copy of the will and reviewed it to ensure there were no particular restrictions to that bequest such as designation for specific use; and as there were none, he informed those agencies and advised them to sign the release and refunding bond which was forwarded to them by the Estate's attorney.

B. BOROUGH ENGINEER

1) STATUS REPORT RE HERBERT AVENUE SECTION 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH - Awarded to AJM Contractors, Inc./\$445,911 RM 6/27/12 – The Borough Engineer reported the project has been completed and there were three punch list items from that project. The contractor did rectify the large punch list item, which was the Reuten Drive drainage issue, by replacing the catch basin. They still have to clean some curbing on Cedar Lane and do some rehabilitation of a cracked portion of the pavement at the track because it doesn't look so good. Until those items are completed we will continue to hold off on their payment. He anticipates that being completed soon.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

2) REPORT – The Borough Engineer reported he and the Administrator will meet with the contractor for the pre-bid meeting for the bathroom project this Friday starting at Mollicone Park and then heading over to Schauble Field. The Administrator informed there were 6 proposals received so far from Bergen, Essex and Warren Counties. The Bid Opening is scheduled to be held 1/29/13 (@11 a.m.) with an anticipated award on 2/13/13 and anticipated completion by 4/29/13.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE MEETING HELD WITH SWIM CLUB REPRESENTATIVES RE *POSSIBLE* ACQUISITION (W.S. 6/27/12) Committee members: Borough Attorney/Administrator/Dr. Barad – The Borough Administrator informed he had nothing to report regarding this item as it has been on hold.

2) STATUS REPORT RE APPRAISAL OF LADDER TRUCK (Discussed at WS 8/22/12) Mr. Sheola reported he received a verbal report yesterday from the Appraiser and he is looking at a value between \$30,000 and \$40,000 which is a bit less than the Fire Department was anticipating. He should have the written report by Friday or next Monday. At that time we can discuss how to proceed as we still have the request from the one fire company from the Outer Banks of North Carolina.

3) DISCUSSION RE POSSIBLE FOLLOW UP OF REQUEST FROM NJ TRANSIT FOR PROPOSED FIVE (5) ADDITIONAL BUS STOPS – VERVALEN STREET AS PART OF PLANNED NEW BUS SERVICE BY COACH USA – ROCKLAND COACH/RED & TAN (5. M.L. 11/29/12/Discussed at WS 12/12/12) – Borough Administrator reminded this was discussed at the 12/12/12 meeting and voiced his recollection that there was no resolution on the matter at that time. He said if the Governing Body was interested in moving forward, they would prepare the necessary Resolutions and approvals for the next meeting. At this time, Councilman Kashwick voiced his opinion that the bus currently runs through a residential area for commuters on Closter Dock Road; and most of the people that are using it are residents who are commuters. He would prefer to reach out to the people on County Road and Closter Dock Road who use the bus to find out how they feel about this change. Mayor Heymann voiced her opinion that the discussion is somewhat premature at this point and suggested it be put on hold until there is further need to make the change. Mr. Sheola suggested to Councilman Kashwick that they devise a short survey to hand out; and asked if that would be acceptable, to which he did not object.

4) REPORT – The Borough Administrator reminded that the Borough is a member of the Pascack Valley Shared Services Group and said he received an email from the lead agency informing they are going out to bid for paving projects at the end of February 2013. Historically, when they have bid a bulk quantity of paving in the past they have usually come out \$2-\$18 less per ton than they would have if they had bid separately. Although there has not been much movement on the Municipal Budget as of yet, the way it is set up, we have \$900,000 in paving projects for 2013. Mr. Sheola said we would need to move the funding ordinances into place by the end of February if we wanted to go this route. The Borough Engineer explained that the Borough did an analysis in 2010 the last time this issue came up; and he is not sure where that information is coming from, but he has never seen a bid price of this nature. He said when they analyze the bids they look at it in the totality – not just the asphalt; so he would like to make sure they are comparing apples to apples. Mr. Sheola said he would forward him a copy of the email he received. Mr. DeNicola said he would forward the analysis to the Administrator for his review but noted they did not analyze the Pascack Valley Shared Services Group.

The Administrator reported there is a Finance Committee meeting this coming Monday regarding the Municipal Budget.

At this time, the Borough Engineer wished to note that Closter historically combines their Local Aid jobs in order to achieve the economy of scale; and we would also lose that benefit if we went in that other direction with the shared services group. Mr. Sheola said he was not sure how many of the other towns applied for Local Aid this year but he would continue to discuss same with the Engineer.

7. REPORTS (Continued)

B. BOROUGH CLERK

- 1) REPORT RE 2013 APPOINTMENTS – The Borough Clerk reported 137 appointments were made at the Reorganization Meeting.
- 2) REPORT RE 2013 OATHS OF OFFICE – Ms. Castano reported the Oaths have all been prepared for the appointments and they will be sent to the Borough Boards and Commissions for their follow through on their membership. To make the process easier for Chairpersons, we leave a packet in our window for the night of their meeting with Oaths of Office and Citizen Leadership Forms/Oaths for them to return to the Borough Clerk’s office. Ms. Castano informed that it is not her office’s responsibility to track down people once we have provided the forms to the Boards and Commissions; it is their responsibility to get them completed and sent back.
- 3) REPORT RE 2013 LICENSES – The Borough Clerk reported we have received responses from all Licensees except for one; and that establishment is questioning the Live Entertainment License and what it encompasses. Ms. Castano voiced her understanding that we will be receiving a written inquiry because there is some question regarding the frequency that necessitates the license as well as the fee, because it is a little too high for some establishments at \$250.00 per year.
- 4) REPORT RE 2013 MEETING DATES – Ms. Castano reported the Annual Notice of 2013 Meeting Dates was published in The Record and Star Ledger on 1/8/13. She informed the notice was sent to Kevin Whitney for posting on the web site (in “Meeting Schedules”) as her office does not have access to that web site location. Ms. Castano added that we have requested proofs of publications for the notices so the Boards and Commissions all have proof that the notice was published properly because oftentimes there is confusion with the calendar the Borough mails out. She noted there are many published meeting dates that are not published on the calendar.
- 5) REPORT RE FINANCIAL DISCLOSURE STATEMENTS – The Borough Clerk reported Financial Disclosure Statements are coming up very soon. In answer to Councilman Glidden, she explained each Oath is noted with an asterisk that indicates to those individuals appointed to certain positions that they are required to file a Financial Disclosure Statement. She explained that newly elected officials, local government officers and newly appointed persons to certain Boards and Commissions are required to file within 30 days of their appointment (by 2/1/13). We have 25 of those individuals. All other forms are due by April 30, 2013. Ms. Castano noted her office is still trying to figure out the best way to send something that would remind everybody and it is still in the thought process. The Chairpersons, Liaisons, Council etc. also remind of the filing deadline. At this time we are awaiting a notice from the Local Finance Board for the 2013 filing year. We are following through to get as many as we can taken care of in the meantime. She voiced her understanding that a lot of the times it is complicated for individuals to locate the form on the State web site, so it is posted on the Borough web site; and that people have difficulty filling it out. She voiced her hopes that this year it may be a little easier in that we only require two (2) copies as the Municipal Clerk is responsible for scanning and e-mailing the completed forms to the Local Finance Board by April 30. Last year when the new process was implemented, they had the 4/30 deadline but had an extension time for the Clerks to be able to complete the scanning and e-mailing by a date in June. Ms. Castano noted the Board of Ethics also has to have time to review the completed forms before they are sent; and although they are meeting tomorrow evening, we have nothing to provide them for their review to date.
- 6) REPORT RE CODIFICATION OF ORDINANCES – The Borough Clerk reported she e-mailed a request today to General Code with a copy to the Governing Body asking for an estimate for Supplement No. 19 (2012 ordinances) and we are following through for compliance with Governor Christie’s Best Practices Checklist in that all ordinances be codified annually.
- 7) REPORT RE FOLLOW UP FOR PROFESSIONAL CONTRACT POSITION/ALTERNATE PROSECUTOR – Ms. Castano reported the position for Alternate Prosecutor has been advertised twice and each time no response has been received. She informed we plan to be advertising for the position again.
- 8) REPORT – Borough Clerk reminded that in a previous report regarding the paperless packets, she had mentioned there were additional items that her office would like to transmit to the Governing body separately. She noted that the League of Municipalities sends a lot of seminar bulletins and asked if there were any objections to placing that kind of correspondence in a folder on the web

portal.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

8) REPORT (Continued)

Additional items would include invitations; requests for contributions; ordinances when up for public hearing; notice of meeting changes; Board of Education meeting notices; Notice to Bidders; RFP's; Insurance notices from JIF/MEL; and Meeting dates; which will all be placed in separate folders on the portal. No one voiced any objections to same.

At this time, Councilwoman Amitai questioned whether the Notice to Bidders for the Bathroom Project had been placed on the web site (in "Bids and RFPs") and Borough Administrator informed it was not. Both the Borough Clerk and Administrator informed that the Notice to Bidders had been published in The Record in conformance with the legal requirements and Mr. Sheola informed he would have it placed on the web site as well.

Councilman Dolson expressed his support for the placement of various correspondence on the web portal and noted the e-mail has become inundated with junk and advertisements. Ms. Castano explained they originally planned to use the Municipal Clerk's Virtual Bulletin Board for some of these items; but as we are unable to do that, her office will try to disseminate the information to them on the web portal in separate folders.

At this time, Councilman Kashwick asked the Borough Clerk whether the Annual School Election would take place in April. Ms. Castano affirmed same and voiced her understanding that the decision to change to be in compliance with the Northern Valley Demarest Regional High School is in the hands of the Board of Education. Mr. Kashwick asked if the Council could still make that decision and the Borough Attorney affirmed we have 3 years to change it. He then suggested having members of the Board of Education come for another meeting to further discuss the need to have two elections. Councilman Dolson recalled that the last time they met with the Board of Education, the issue at hand was that the voters still would have the opportunity to vote yes or no on the School Budget. The protection is lost if the date is moved. Mayor Heymann voiced her understanding that the decision was made at that time as the Closter Board of Education believed the Northern Valley Regional High School Board would have the same decision to keep the election in April; and they did not. That vote left the Closter Board by itself along with a few others in the area. She is sure they are reconsidering it and suggested writing a letter to them. The Borough Attorney reiterated that the Council still has the power to change the date on its own. The Borough Attorney explained as follows: the way the law was written is that we were not committing ourselves in year one; that was part of the reason the Council said there was no harm to doing it for the first year because we could always look at it again over the next two years. The Borough Clerk noted that for districts opting to make the change they could not change it back for 4 years. The Borough Attorney affirmed that the Council could make the decision but it has to be done before the filing deadlines for election purposes. Mr. Glidden suggested putting the Board of Education on notice that the Council would like to consider the change and invite them to meet to discuss same. Dr. Barad added he would like the opportunity for the public to comment as well. The Borough Attorney informed he would find out the exact dates and affirmed this should be acted on soon. In answer to the Borough Clerk, he reminded there are two Liaisons to the Board of Education this year. Mr. Glidden reiterated his desire that if there is a Board of Education meeting coming up that we should express our intentions to them; and, if not, invite them to the next Council meeting.

Jesse Rosenblum, 65 Knickerbocker Road, informed he was reviewing the Board of Education website and he read that the last School Election cost them over \$12,000; which is double what it cost for the last one. They also added they would stay with that election date based on public opinion. He feels they are ready to change and suggested the Council contact them.

In answer to Mrs. Amitai, Dr. Barad informed he would call the Board of Education to set up a meeting. The Borough Attorney voiced his opinion that it would be appropriate to have a representative

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from the Board present as we did the last time we discussed the issue.

7. REPORTS (Continued)

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported he sent the December monthly report to the Council which included the year end totals for the Police Department. He met with the Superintendent of Schools (Joanne Newberry) last week to discuss school security; and two lockdown drills were performed this week. The Chief will be meeting again on Monday with the Superintendent to discuss future issues at the schools for security purposes. In answer to Councilman Glidden, he affirmed they did discuss the issue briefly regarding armed guards at the school and they will be further discussing same at the Monday meeting. He said he would like to find out what type of guards – armed/unarmed, etc. they are looking for before he takes a position. The Superintendent had been in touch all week with various security vendors and he reiterated he would need to further discuss same with her before he makes any determinations.

Councilwoman Latner asked the Chief how the feedback is going regarding some of the rule changes they made at the schools as they were done pretty quickly after the Newtown incident. Chief Kaine explained he spoke with the Superintendent prior to the institution of it which was after the holidays. He reported there have been no reported issues and said all of the principals of the schools have been performing the lockdowns and they are happy with the officer being posted at the doors during entry and dismissals.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS: Mayor Heymann informed the only change she had was regarding Item No. b2.

a. FILED

1. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM SUPPORTING THE DESIRE OF THE ENVIRONMENTAL COMMISSION TO OBTAIN A GRANT IN A MAXIMUM AMOUNT OF \$25,000 TO FUND THE EXTENSION OF THE CROSS CLOSTER TRAIL PROJECT; SAID GRANT PROGRAM REQUIRES A CASH MATCH OF 20% OF THE AMOUNT AWARDED OR A MAXIMUM AMOUNT OF \$6,250.00 (Authorized RM 2/8/12)
2. 2013 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/13/12
3. 2013 CDBG GRANT APPLICATION IN THE AMOUNT OF \$326,300 TOWARDS POTENTIAL \$435,000 RENOVATION/REHABILITATION PROJECT FOR THE EXTERIOR OF BOROUGH HALL (Authorized RM 9/24/12)

b. AWARDED

1. 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) (Contract authorized for execution/RM 10/12/11)
2. 2012 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11/Awarded \$5,000 (8. M.L. 5/31/12) Grant/ Loan Agreement No. 2012-05157-0351-00 Mayor Heymann reported the grant distribution amount has to be changed and that is in process right now. (6. M.L. 12/27/12 notice of modification from DCA, Div. of Housing and Community Resources (Rev #2012-05157-0351-01)
3. 2011 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)/Awarded \$283,000 (7. M.L. 6/14/12)

7. REPORTS (Continued)

D. MAYOR (Continued)

4. 2011 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)/ Awarded \$12,500 for Memorial Park Batting Cage/Bleachers and \$27,500 for Schauble Park Walking Path (7. M.L. 6/14/12) Memorial Park Contract No. 12-00280/Schauble Park Contract No. 12-00281
5. DEPARTMENT OF ENVIRONMENTAL PROTECTION IN AN AMOUNT NOT TO EXCEED \$3,000.00 TO FUND THE FOLLOWING PROJECT: COMMUNITY FORESTRY MANAGEMENT PLAN, GREEN COMMUNITIES GRANT (50% match of total project amount) (Authorized RM 2/22/12) Award reported by Mr. Kashwick/WS 11/19/12

c. TO BE FILED - To be announced by Mayor

- 2) REPORT – Mayor Heymann informed she had nothing further to report.

At this time, Mayor Heymann announced she will represent, on behalf of the County, to honor members of our community who were so very helpful and efficient with handling concerns that Sandy brought to Closter. The County had a dinner where the honored nominees from each community; and they accepted on behalf of all of the volunteers and all of the staff who worked - 5 names on her part. She noted nobody was able to attend the dinner so the County passed on an honorary certificate which has not been sent to us yet; and some small tokens she has to share with them. The Mayor voiced her appreciation for all of the wonderful work that all of the volunteers and staff did during that time. The nominated on behalf of all of the people they worked with are: Chief Dennis Kaine; Lt. James Winters; Superintendent of Public Works, William Dahle; III, Kevin Whitney, as liaison between the Fire Department and the Orange and Rockland people, and who also built a wonderful command center at the Fire Department; and Nick Varni, the then Fire Chief who was very attentive and covered everything in the Fire Department. She explained that when the power went out, a lot of the buildings had false alarms set off and there were a tremendous number of those that had to be responded to. Mayor Heymann presented each with a cap that says "Superstorm Sandy Outstanding Service" and a kit with a flashlight and a knife. She presented Lt. James Winters, Closter OEM Chairperson with a Certificate of Commendation for Outstanding Service to the Residents of Bergen County during Superstorm Sandy with a letter from the Bergen County Executive congratulating him along with a patch for Outstanding Service. The Mayor presented each with a small bio on them that is posted on the web site. The Council and public offered a round of applause.

At this time, Councilwoman Amitai asked the Borough Attorney where we stand in regards to the discussions about giving COAH monies to the old Village School to try to jumpstart that project. Mr. Rogan informed that no monies can go to that project yet; and said he spoke to David Watkins this week and he is contemplating in the very near future going in before a Board and requesting that the 55 and older restriction be lifted. Mr. Rogan said he is assuming the COAH units will stay the same; and at that point, they can talk about that; but until the application has been made, it is dormant at this point. He has been told the application will be coming in the very near future and perhaps it is more of a Zoning Board of Adjustment issue than a Council issue; but the 55 and older market has changed dramatically since the approval. He is looking to have the age restriction removed so it can be developed. The Borough Attorney affirmed there is an expiration date on the COAH money; and Mayor Heymann said the expiration date was last summer. Right now because of the court ruling we have not lost it yet but activity on the issue could pick up any time.

8. OLD BUSINESS

Councilman Barad referred to the solid waste contract and the proposal of a committee to review same; and Mayor Heymann said she would be naming an ad-hoc committee consisting of members of the community, particularly some of those who spoke at the meetings. She said she had invited six people to participate and she would announce their names at the next meeting. The Mayor said that there would be an active timetable in order to provide guidance to the Council; and one goal would be to assess public opinion and to provide an education campaign to the public. Councilwoman Latner supported transparency going forward so that the public is aware of the process and how decisions are made. Councilman Glidden said the committee should look into the numbers and the assumptions that go into the numbers to determine if there is a compelling financial reason to make a change. The Committee would have to work in

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conjunction with our professionals to review the numbers.

9. NEW BUSINESS

10. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) SUBJECT TO A 5-MINUTE LIMIT (PER GENERAL RULE NUMBER 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Steve Isaacson, 97 Columbus Avenue, referred to the bus routes and expressed his disagreement with Councilman Kashwick noting that the only route changing would be between Piermont Road and Borough Hall, which would be beneficial to the masses. He also referred to what he termed as the autonomous school board and the application they have before the Planning Board to build another room onto the Hillside School for Pre-K. He said that the School Board is spending money on new personnel and providing services that are not mandated. Mayor Heymann said they appeared before the Planning Board and advised that it was a cost saving factor and a plus since the students pay tuition; and it would be cheaper to provide education for those mandated for special education in Closter. Mr. Isaacson said that it should be determined if our educationally handicapped population has increased and if it warrants spending this much money for personnel. Councilwoman Latner said they would be enrolling children from other towns with special needs and it has been a huge income generator. Councilwoman Amitai said the special needs children would be integrated with the other students. Councilman Kashwick referred to the bus route and indicated that most of the people using the bus are commuters not shoppers; and he would prefer to obtain the consensus of the public before making that kind of change.

In answer to Michael Kafer, 261 Parsells Lane, Councilwoman Latner advised that the DPW Committee is composed of herself as Chair and Councilmen Glidden and Dolson as members. Mr. Kafer said that the Borough never had a recycling agreement but had a host community contract with the transfer station which provided that, in lieu of collecting a host community fee, Miele Sanitation would pick up the town's recycling twice a month which has a value of less than \$30,000 per month. He said that this agreement has been in effect for 12 or 13 years but by his own bid, which was rejected, he valued this pick up at \$30,000 in addition to collecting the value of the collected cans and glass that he sold. He said the Borough should get some objective values and data as to the value to the town of having the transfer station. Specifically you need to evaluate the comparable values of the homes surrounding the transfer station from which you collect less taxes because of their location and the other homes in the Borough. This would be objective evidence to show how much less you are collecting and, at the very least, the transfer station should be making up the difference. Over 30,000 tons of garbage are being brought into the Borough per year and then transferred out of Closter – for a total of 60,000 tons in garbage trucks and tractor trailers causing tremendous wear and tear on our roads. He said part of the discussion by the committee should be the host community fee in addition to reducing the \$250,000 tipping fees we currently pay and he proposed \$5.00 per ton.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

13. ADJOURNMENT

Motion to adjourn the Work Session at 8:51 p.m. was made by Councilman Glidden, seconded by

CLOSTER MAYOR AND COUNCIL
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Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council via
e-mail on January 18, 2013
for approval at the Regular Meeting
to be held January 23, 2013

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

Loretta Castano, RMC
Borough Clerk

Approved at the Regular Meeting held January 23, 2013
Consent Agenda Item No. 16b.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JANUARY 9, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:53 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 Early Meetings which was sent to The Record and the Star Ledger and was published in both newspapers on December 18, 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 C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,
Arthur Dolson and Victoria Amitai
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Superintendent of Public Works, William Dahle, III
Office of Emergency Management Coordinator, Lt. James Winters

3a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 4a and 4b 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

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

- a. ~~ORDINANCE NO. 2013:1137~~, “AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY, CREATING ARTICLE XVIII, CONSERVATION ZONE” (Received from Borough Attorney 12/27/12)
b. ~~POSSIBLE ORDINANCE NO. 2013:1138~~ “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200, ZONING, SPECIFICALLY, 200-69E (Received from Borough Attorney 12/27/12)

RESOLUTIONS

5. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2012: CHOI ET ALS. V. CLOSTER (Received from Borough Attorney 12/27/12)
6. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECKS FOR REAL ESTATE TAX OVERPAYMENTS IN THE FOLLOWING TAX ACCOUNTS DUE TO DOUBLE PAYMENTS IN WHICH THE MORTGAGE COMPANY, CORE LOGIC, REQUESTED A REFUND (Received from Revenue Office):
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | <u>AMOUNT</u> |
|--------------|------------|----------------------|---------------|
| 1601 | 14 | 311 LINDBERGH AVENUE | \$4,600.00 |
| 2102 | 37.04 | 62 McCAIN COURT | 7,085.35 |
| 2404 | 9 | 11 VIVIAN LANE | 3,195.20 |
7. 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 (Received from Deputy Treasurer 1/3/13)
8. RESOLUTION GRANTING APPROVAL FOR THE MAYOR AND CLERK TO EXECUTE A GRANT AGREEMENT WITH THE BERGEN COUNTY OPEN SPACE TRUST FUND 2010 CONTRACT (Received from Administrator 1/3/13)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – JANUARY 9, 2013 - 7:30 P.M.

In answer to Councilman Kashwick, Borough Administrator advised that the County did not have a copy of the signed agreement that covers the track and replacement of equipment at Schauble Park, the playground equipment at Ruckman Park and the upgrade of equipment at Memorial Park; therefore this Resolution is in essence catching up.

- 9. RESOLUTION APPROVING AGREEMENT FOR PUBLIC HEALTH SERVICES BETWEEN THE COUNTY OF BERGEN AND THE BOROUGH OF CLOSTER FOR THE TERM BEGINNING 01/01/13 AND ENDING 12/31/13 IN THE TOTAL AMOUNT OF \$950 FOR THE FURNISHING OF EMPLOYEE ASSISTANCE PROGRAM (Received from Administrator 1/3/13)
- 9a. RESOLUTION IN SUPPORT OF THE FIX GUN CHECKS ACT AND OTHER MEASURES TO REDUCE GUN VIOLENCE (Received from Mayor 1/9/13 p.m.)

MOTIONS

10. 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>
BOARD OF HEALTH				
Alt. No. 1	Barbara Guile	<u>Jeanne Baer</u>	2 Year	12/31/14
Alt. No. 2	Beth Ravit/resigned	<u>Roberta Murphy</u>	2 Year Un-expired to	12/31/13
IMPROVEMENT COMMISSION				
Alt. No. 2	Shiran Slutzky	_____	2 Year	12/31/14

11. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:
 (Distributed via web portal on 01/04/13):

- a. REGULAR MEETING HELD 12/26/12 - ABSTENTIONS: GLIDDEN, DOLSON, AMITAI
- b. WORK SESSION HELD 12/26/12 - ABSTENTIONS: GLIDDEN, DOLSON, AMITAI
- c. SINE DIE MEETING HELD 01/02/13 - NO ABSTENTIONS
- d. REORGANIZATION MEETING HELD 01/02/13 - NO ABSTENTIONS

12. REPORTS

a. CONSTRUCTION OFFICIAL – DECEMBER 2012 (Received 01/02/13)

3b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

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

a. ORDINANCE NO. 2013:1137, “AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY, CREATING ARTICLE XVIII, CONSERVATION ZONE” (Received from Borough Attorney 12/27/12)

Motion introducing Ordinance No. 2013:1137 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

b. POSSIBLE ORDINANCE NO. 2013:1138 “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200, ZONING, SPECIFICALLY, 200-69E (Received from Borough Attorney 12/27/12)

For clarification, Councilman Barad explained there was a revised version of this ordinance distributed this evening which referred to commercial business and industrial zones; and the original ordinance that was distributed with the Agenda referred only to the business zone. He informed he is moving to introduce the revised version.

Motion introducing Ordinance No. 2013:1138 amending Chapter 200-69E including the commercial business and industrial zones was made by Councilman Barad, seconded by Councilman Kashwick and declared denied upon the affirmative vote of Councilpersons Kashwick and Barad. Councilpersons Glidden, Latner, Dolson and Amitai voted no.

Upon casting his vote, Councilman Glidden said he did not think it was a bad ordinance and should be considered but not at this time when we have the largest application before our Planning Board. He said that we should not jeopardize any risk of interfering with the application; therefore,

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – JANUARY 9, 2013 - 7:30 P.M.

he voted no. Councilwoman Latner said she also did not have a problem with the ordinance; but due to the timing and concerns, she voted no.

Mayor Heymann asked if the original ordinance could be introduced; and Councilman Barad said he could not support same because it only covered one zone. Mayor Heymann noted that in the industrial zone there are large lots that could have smaller buildings that would benefit the aesthetics of the town and the commercial value of the town. Councilman Barad said the Council has the right to introduce an ordinance but felt that this is the second time we have killed an ordinance at this level which stifles public input and Planning Board comment. He felt it was bad judgment since we do not benefit from the comments of our professionals and it closes discussion. Councilman Glidden said he did not disagree with the comments but noted that it is not because it is a bad ordinance but because of the timing. It could be argued that sending the ordinance back to the Planning Board is a waste of their time. Mayor Heymann said that the Planning Board would not get an opportunity to review the ordinance unless it is introduced by the Council; and she felt it was reasonable to ask the Planning Board for their opinion since they are closer to the applications that come before the Board.

13. 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)

Borough Attorney referred to the recycling issue and noted that the agreement has expired. He provided a draft agreement for Council consideration. He said the new draft agreement has modifications, which include updating the language regarding inclusion of discrimination provisions, notification that renewal or cancellation be sent directly to the Borough Clerk rather than the Borough Administrator; and the provision for the vendor to prepare flyers has been deleted. Miele Sanitation did pick up the recycling today based upon Mr. Rogan’s representation to him that he would bring this matter up and propose a contract for Council consideration as we are without a contract as of right now. This did not bind the Council in any way. Councilman Barad felt it was reasonable to proceed but added that it would be improper not to mention that we need to look at all of these issues in great depth over the next few months.

13a. Motion approving Resolution authorizing the renewal of the Recycling Agreement with Miele Sanitation and be awarded pursuant to N.J.S.A. 13:1-E28.1a et seq. which permits a Sanitation Company to perform certain recycling services in lieu of the Host Community Fee so there would be no expense to the Borough as far as dollar outlay; and subject to if the Borough does bid its sanitation services in conjunction with recycling services in the calendar year 2013, Miele Sanitation would have the option to cancel this contract and would merge into any new contract of privatization; and in the event he was not the high bidder, he would have the right to hold onto this recycling contract to December 31, 2013; and the Borough Attorney was authorized to prepare any documents necessary for implementation; and the Mayor and Borough Clerk are authorized to execute any documents was made by Councilman Barad, seconded by Councilman Glidden and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

Mayor Heymann opened the meeting to the public.

Mayoral In response to Councilman Kashwick’s request, Mayor Heymann made the following appointment:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ENVIRONMENTAL COMMISSION Associate Member	<u>Ethel Abrams</u>	1 Year	12/31/13

13b. Motion approving the following Closed Session Resolution at 9:12 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to clue 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 contract negotiations or litigation which should be within 26 weeks.

Mayor Heymann resumed the public meeting at 9:38 p.m. and called a 5-minute recess.

Mayor Heymann resumed the public meeting at 9:49 p.m.

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

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – JANUARY 9, 2013 - 7:30 P.M.

15. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:49 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 January 18, 2013
for approval at the Regular
Meeting to be held January 23, 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 January 23, 2013
Consent Agenda Item No. 16a.