

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

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

Mayor Heymann called the meeting to order at 9:16 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 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

3. MAYORAL APPOINTMENTS (NON-SALARIED) TO THE FOLLOWING BOARDS/COMMISSIONS:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ENVIRONMENTAL COMMISSION			
Alt. No. 2	_____	2 Years	12/31/14

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 August 28, 2013 and was published in The Record on September 3, 2013 as stated in the Borough Clerk’s affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public.

At the Regular Meeting held September 25, 2013 the public hearing and adoption of this Ordinance was carried to this meeting.

ORDINANCE NO. 2013:1150, “AN ORDINANCE AMENDING CHAPTER 87 OF THE CODE, BUSINESS AND RESIDENTIAL CERTIFICATES OF OCCUPANCY”

Mayor Heymann declared a public hearing.

David Baboo, 362 Durie Avenue, commented that the ordinance, as constructed, is a difficult piece of language and recounted its negative consequences relative to his 2-family house, which he purchased in 2005 but in 2007 the Zoning Officer declared the structure as not a 2-family house. Borough Attorney noted that his issue was with the Zoning Ordinance not this ordinance. Mr. Baboo noted that after months of research he was able to show that the house was a legal 2-family residence but he was told that he had to prove that the house was built as a 2-family prior to the 1940’s or appear before the Zoning Board. He felt the proposed ordinance would put undue pressure on the Construction Official. Borough Attorney explained that the current ordinance requires a Certificate of Occupancy upon the purchase of a house or a change in tenants to determine if there has been illegal construction. The Borough is combining this with a zoning inspection. He said upon buying a multi-family home, the attorney representing the buyer must include in the contract that the seller has to provide proof of a 2-family usage. The seller must obtain from the town as use occupancy, which would eliminate the need for a use inspection each time there was a new tenant. The Construction Code Official would still need to inspect the structure and issue a Certificate of Occupancy. In your case the Court said that the grandfathering position based upon taxes paid was not a valid way to prove the 2-family use. He indicated that a Certificate of Occupancy does not grant the use of the structure only the fact that the house is sound and meets the standards of the Construction Code.

Mayor Heymann said that the change in the ordinance will help others from having the same problem you have indicated. The ordinance is clear as to the requirements for use inspections in addition to construction inspections. Mr. Baboo indicated that he would like to see the ordinance remain as it is because of the confusion this new ordinance would cause. He said that the owners of 2-family homes should be notified that there is an issue and how to remedy same. Mayor Heymann said it is the intent to safeguard people from the problems you have had and to give fair warning of the requirements for 2-family use.

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Councilwoman Amitai said she spoke to the Zoning Officer and the Zoning Board Attorney who sent her a letter noting that the ordinance goes from too many restrictions to no restrictions; and he outlined his suggestions for streamlining the application process with a reduction in the required fees. Councilman Glidden expressed his agreement with the Zoning Board Attorney's comments that the old ordinance is too restrictive and the new one is not restrictive enough. Zoning Ordinances have been crafted over many years and the ordinance as drafted is not a zoning ordinance but an enforcement ordinance. He felt removing the zoning aspect from the inspection process for a Certificate of Occupancy is not the way to go.

Councilwoman Amitai suggested a meeting with the Zoning Officer, Zoning Board Attorney, Borough Attorney and Zoning Board members to discuss the matter. Councilman Barad said we are trying to go back to a simpler ordinance; and he is disappointed that we are continuing to burden the residents with a zoning inspection that most municipalities do not do and which Closter does not need. Mayor Heymann said the way the ordinance is written now, the Zoning Officer is mandated to look at it by the Zoning Board. Applicants must produce documents that are almost impossible to find; and the Board was asked to set regulations to keep the enforcement but with less difficulty and burden on the homeowners. The Board decided to go back to the 1940 regulations.

Councilman Glidden reiterated his support for the enforcement provisions for compliance with the zoning laws and felt that the enforcement regulations were not overly burdensome on the residents. Mayor Heymann explained that the Zoning Board is autonomous. Councilman Glidden said that the Zoning Board has certain powers under the law; but they are not autonomous if they are appointed by the Governing Body. Borough Attorney said that the suggestions made by the Zoning Board Attorney work when a person is referred to the Zoning Board; and Mayor Heymann expressed support for the reduction in the fees and the other recommendations made by the Zoning Board Attorney. The present zoning ordinance does not provide enough flexibility and adopting the proposed ordinance provides a clean slate. New zoning ordinances can be developed that are clearer and more specific rather than the 1940's requirement which is not in the ordinance but is a choice of the Zoning Board. Councilman Glidden noted that removing the enforcement provisions allows people to skirt the law relative to zoning and use.

In answer to Councilman Kashwick, Borough Attorney said he did not have to abstain from voting on the proposed ordinance as an owner of a 2-family residence inasmuch as the ordinance also pertains to everyone in the room as owners of one-family residences.

No one else wishing to speak, Mayor Heymann closed the public hearing and asked for a motion of adoption.

Motion to adopt Ordinance No. 2013:1150 was made by Councilman Barad, seconded by Councilwoman Latner and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad and Dolson. Councilpersons Glidden and Amitai voted no.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 17 and 24 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

ORDINANCES

6. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING AND ADOPTION 11/13/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1151, "AN ORDINANCE AMENDING CHAPTER 200-44 OF THE CODE TO CORRECT A CODIFICATION ERROR" (Received from Borough Attorney 9/24/13)

RESOLUTIONS

7. BILL RESOLUTION – OCTOBER 15, 2013 (Received from Deputy Treasurer 10/4/13)

8. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO RELEASE AND RETURN REMAINING PLANNING BOARD LEGAL/ENGINEERING ESCROW FEES IN THE AMOUNT OF \$3,313.57 TO APPLICANT: ~~CLOSTER MARKET PLACE OPERATING~~ CLOSTER PLAZA DUE TO SATISFACTORY COMPLETION OF ALL REQUIRED IMPROVEMENTS FOR BLOCK 1607 LOT 1, 19 VERVALEN STREET (Received from Deputy Treasurer 9/18/13) Adjourned from RM 9/25/13

9. RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE BERGEN COUNTY AGGREGATE ENERGY PROCUREMENT COOPERATIVE PRICING SYSTEM (THE "BCPS") NJDCA (Received from Administrator 9/20/13 @ 9:18 a.m.) Adjourned from RM 9/25/13/Revised copy received from Administrator 10/3/13

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10. RESOLUTION AUTHORIZING RENEWAL OF MEMBERSHIP IN THE BERGEN COUNTY MUNICIPAL JOINT INSURANCE FUND FOR A 3-YEAR PERIOD FROM 1/1/2014 TO 1/1/2017 @ 12:01 A.M. (1. M.L. 8/1/13/Requested by Borough Attorney 9/30/13)
11. RESOLUTION AUTHORIZING THE CLERK, CHIEF ADMINISTRATIVE OFFICER AND CHIEF FINANCIAL OFFICER TO SIGN THE CY2013 BEST PRACTICES INVENTORY (11. M.L. 9/5/13/ Received from Borough Attorney 9/27/13)
12. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2012: KIM V. CLOSTER (Received from Borough Attorney 9/24/13)
13. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,298.08 TO BAC TAX SERVICES CORPORATION FOR BLOCK 601 LOT 10, 22 PEARLE ROAD DUE TO DUPLICATE PAYMENT MADE BY MTGE. CO AND ATTORNEY IN FOURTH QUARTER 2013 TAX ACCOUNT (Received from Tax Collector 9/24/13)
14. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECKS TO CORE LOGIC FOR THE FOLLOWING OVERPAYMENTS IN THE 3RD AND 1ST QUARTER 2013 TAX ACCOUNTS FOR THE FOLLOWING PROPERTIES (Received from Tax Collector 9/24/13):

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
518	1	116 Demarest Avenue	\$3,599.76
2201	14	112 Alpine Drive	\$ 308.51
15. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING TO PROVIDE ADDITIONAL SURVEYING AND TOPOGRAPHIC WORK (ON WESTMINSTER AVENUE FOR AN AMOUNT NOT TO EXCEED ~~\$1,000.00~~ PER PROPOSAL DATED 10/4/13) (Received from Administrator 10/4/13) \$1,200.00 PER PROPOSAL DATED 10/7/13
24. RESOLUTION REQUESTING RELIEF FOR MUNICIPALITIES FROM ONEROUS DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT FEES (Received from Mayor Heymann 10/9/13)

MOTIONS

16. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 10/4/13)
 ABSTENTION: DOLSON:
 - a. REGULAR MEETING HELD 9/25/13
 - b. WORK SESSION HELD 9/25/13
17. MOTION APPROVING APPOINTMENTS TO THE FOLLOWING BOARDS/COMMISSIONS:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOROUGH HISTORIAN	<u>William Cahill</u> (non-acceptance)	_____	1 Year	12/31/13
IMPROVEMENT COMMISSION				
Member/HP Liaison	<u>Irene Stella</u> (resigned)	_____	2 years unexp. (Stella) to	12/31/13
Member	<u>Tina Stratton</u> (non-acceptance)	_____	2 Years	12/31/14
Member	<u>(Cherylin Clarke)</u> (resigned)	_____	2 Years unexp. (Clarke) to	12/31/13
Alt. No. 1	<u>Shiran Slutzky</u> (resigned)	_____	2 Years unexp. (Slutzky) to	12/31/13
Alt. No. 2	<u>Wilson Reimers</u> (non-acceptance)	_____	2 Years	12/31/14
18. MOTION GRANTING APPROVAL FOR THE POLICE DEPARTMENT TO IMPOSE A 9:00 P.M. CURFEW ON CABBAGE NIGHT, WEDNESDAY, 10/30/13, AND HALLOWEEN, THURSDAY, 10/31/13 (Received from Chief of Police 9/26/13)
19. MOTION GRANTING APPROVAL FOR THE RECREATION COMMISSION TO CONDUCT THE ANNUAL HALLOWEEN PARADE ON SUNDAY, 10/27/13; PARADE TO FORM BEHIND THE BOROUGH HALL AT 12:30 P.M. AND PROCEED AT 1 P.M. THROUGH THE CENTER OF TOWN TO TENAKILL SCHOOL FOR THE JUDGING OF COSTUMES (1c. M.L. 4/25/13)

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20. MOTION GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR THE VALLEY PROGRAM FOR CHILDREN WITH AUTISM, 155 PARKWAY, HARRINGTON PARK, NJ 07640, TO HOLD WINE AND BEER TASTING AND CHARITY EVENT AT HARVEST BISTRO, 252 SCHRALENBURGH ROAD, CLOSTER, NJ 07624 ON THURSDAY, 11/21/13, FROM 6:30 P.M. TO 10:30 P.M. (Completed application received 10/3/13)

21. MOTION GRANTING APPROVAL FOR THE LUBAVITCH ON THE PALISADES TO PLACE A MENORAH IN FRONT OF BOROUGH HALL FROM 11/27/13 TO 12/4/13; AND CONDUCT A MENORAH LIGHTING CEREMONY TO BE HELD AT RUCKMAN PARK ON 11/27/13 AT 7:00 P.M. (5. M.L. 10/3/13/Approval received from Risk Management Consultant 10/1/13)

Mayor Heymann commented that the people involved with the crèche should be advised that the menorah display would be earlier this year. Borough Attorney reminded the Council that the holiday display must contain both the menorah and the crèche.

22. MOTION GRANTING APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING HAWKERS AND PEDDLERS LICENSE FOR POWER HOME REMODELING GROUP, 6 COMMERCE DRIVE, CRANFORD, NJ 07016, FOR CALENDAR YEAR 2013 PER BOROUGH CODE CH. 127 (Received from Chief of Police 9/26/13):

- a. PERMIT NO. 2013-06A – FOR EAMONN R. ALWELL,
4 FELLWOOD WAY, HOLMDEL, NJ 07733
- b. PERMIT NO. 2013-06B – ROBERT JOHN WEGLARZ,
8 JUDGE THOMPSON ROAD, SOMERVILLE, NJ 08876
- c. PERMIT NO. 2013-06C – CASEY A. DUKE,
7 DEMORAY COURT, PINE BROOK, NJ 07058

22-1. MOTION GRANTING APPROVAL FOR CLOSTER CHAMBER OF COMMERCE TO CONDUCT “SCARECROW WALK OF FAME” FROM 10/26/13 to 11/2/13 UTILIZING LAMP POSTS LOCATED ALONG OLD CLOSTER DOCK ROAD AND CLOSTER DOCK ROAD ENDING T BOROUGH HALL; AND TO USE THE WALKWAY LOCATED NEAR THE EMPTY VASE FOR THE SET UP OF TABLES AND CHAIRS FOR THE EVENT ON SATURDAY, 10/26/13 (8. M.L. 10/10/13/Approval received from Risk Management Consultant 10/9/13)

23. REPORTS

- a. FIRE CHIEF – SEPTEMBER 2013 (Received 10/2/13)
- b. CONSTRUCTION OFFICIAL – SEPTEMBER 2013 (Received 10/4/13)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

24. RESOLUTION REQUESTING RELIEF FOR MUNICIPALITIES FROM ONEROUS DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT FEES (Received from Mayor Heymann 10/9/13)

Councilman Kashwick expressed his opposition to the resolution inasmuch as relieving municipalities from the fee would mean the monies would have to come from other areas or the Department would be defunded. Mayor Heymann said that the taxpayers are paying the fees and the projects that are affected are green or improve sustainability.

Motion of approval was made by Councilman Dolson, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner and Dolson. Councilpersons Kashwick and Amitai voted no. Councilman Barad abstained.

24. 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 wishing to be heard, Mayor Heymann closed the meeting.

Motion approving the following Closed Session Resolution at 10:13 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon an affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

24a. 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” and N.J.S.A. 10:4-12(b)(8) “A matter involving public employees” and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the litigation and matter which should be within 6 to 8 weeks.

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

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

26. ADJOURNMENT

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

Provided to the Mayor and Council on
October 18, 2013 for approval at the
Regular Meeting to be held
October 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 October 23, 2013
Consent Agenda Item No. 18a.

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BOROUGH OF CLOSTER

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

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, October 9, 2013. 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 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.

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

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF SEPTEMBER 26, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 4 was removed by the Borough Clerk; Item No. 2 was removed by Councilwoman Amitai.

Item No. 4: Received 09/24/13, dated 09/24/13 from Patricia Roach (PRoach@co.bergen.nj.us) for Michele DiIorgi, Clerk to the Board of Chosen Freeholders, to Borough Clerk (boroclerk@closterboro.com) re **Informing in an effort to become more green Ordinances will now be sent via email; AND** Certified copies of the following ordinances adopted 9/17/13 (introduced 09/03/13).....

The Borough Clerk wished to inform that the Board of Chosen Freeholders is finally sending copies of ordinances via e-mail which is a major change for the Board.

Item No. 2: Received 09/23/13, dated No Date from Joseph L. Basralian, Esq., Winne, Banta, Hetherington, Basralian & Kahn, P.C., Attorney for Applicant, to Borough of Closter re Notice to property owners re Application to be heard by Planning Board on 10/2/13 @8:00 p.m. re Closter Marketplace (EBA), LLC and Centennial AME Zion Church for properties located at Block 1310,

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Lot 2 (5 Lewis Street) and Block 1607, Lot 1 (19 Vervalen Street)

Councilwoman Amitai noted she did not recall seeing a notice for this meeting in the newspaper and questioned the reason. Mayor Heymann asked Mrs. Amitai to contact Rose (Mitchell, Land Use Coordinator – Planning Board) tomorrow regarding same.

b. MAIL LIST OF OCTOBER 3, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 6 was removed by Councilwoman Latner; Item No. 3 was removed by Councilman Barad.

Item No. 6: Received 09/25/13 Hand del'd at M&C meeting, dated No Date from The Closter High School Green Team, to The Closter Borough Council re a. Petition to Enforce New Jersey's Recycling Laws in our Schools, Borough Hall, and Business Districts (No signatures affixed!); Received 10/03/13, dated No Date, b. 8 Pages of signatures received 10/3/13 with petition

Councilwoman Latner informed the matter was discussed at the last DPW meeting and the idea of getting recycling receptacles in town is a great idea. Right now they want to devise a master plan for implementation that includes the Chamber of Commerce. In answer to Councilwoman Amitai, she explained some of the issues include the receptacles, the manpower as to who will be collecting them and getting the input from the necessary parties like the Improvement Commission before moving forward. The Committee would like to have more information and a plan in place before making any purchases.

Item No. 3: Received 09/27/13, dated 09/25/13 from Gail Warming-Tanno, Municipal Clerk, Borough of Alpine, to Borough Clerk re Notice of Introduction of Ordinance 737, "An Ordinance of the Borough of Alpine to Amend Chapter 220 "Zoning", Section 2 "Definitions" and Section 18D "Application Fees for Variances" on 9/25/13; Public Hearing and adoption scheduled to be held Wed., 10/23/13 @ 7:30 p.m. at Alpine Borough Hall

Councilman Barad voiced his opinion that he found it interesting that Alpine decided to do an ordinance to define a "deck" and a "patio".

At this time, The Borough Clerk reported she received an item from the Chamber of Commerce that will appear in the 10/10/13 Mail List as Item No. 8 regarding the Scarecrow Walk of Fame:

Item No. 8: Received 10/07/13, dated 10/03/13 from Linda Albelli, Secretary, Closter Chamber of Commerce, to Borough Clerk re Requesting permission to host a "Scarecrow Walk of Fame" from 10/26/13 through 11/2/13 by attaching scarecrows to the lampposts in the downtown area using non-abrasive wire ties; Hold Harmless Agreement attached; Insurance to be provided by Parsells Agency (Copy to Glenn Parsells, Chief Kaine) Distributed 10/9/13

Ms. Castano explained Mrs. Albelli had accidentally sent the request to the Administrator on 10/3/13 and didn't realize until Monday, at which time she contacted the Borough Clerk and forwarded the request. Ms. Castano informed the Hold Harmless and Certificate of Insurance have been received and approved by the Risk Management Consultant; and she circulated a copy of same to the Governing Body this evening. Therefore, she asked for consideration regarding placement of a motion on the Agenda this evening for Council approval of this request noting that although not noted in the letter, the request also includes use of the walkway by The Empty Vase to set up tables and chairs for the event on 10/26/13, as listed in the Hold Harmless and Certificate of Insurance. No objections were voiced.

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

Mayor Heymann asked if any member of the governing body wished to discuss any item on the Consent Agenda. Item No. 8 was referred to by Councilman Dolson; Item No. 9 was referred to by Councilman Barad.

8. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO RELEASE AND RETURN REMAINING PLANNING BOARD LEGAL/ENGINEERING ESCROW FEES IN THE AMOUNT OF \$3,313.57 TO APPLICANT: CLOSTER MARKET PLACE OPERATING DUE TO SATISFACTORY COMPLETION OF ALL REQUIRED IMPROVEMENTS FOR BLOCK 1607 LOT 1, 19 VERVALEN STREET (Received from Deputy Treasurer 9/18/13) Adjourned from RM 9/25/13

In response to Councilman Dolson's request for an explanation of this item, Mayor Heymann said it was adjourned from the last meeting at the Borough Engineer's request because there was confusion about the applicant. She further explained this has nothing to do with the current application for The Plaza; it is monies left over from job work in 2007. The Mayor informed she checked with the Deputy Treasurer and was told the monies belong to 6 individual participants from Closter Plaza. In answer to Councilman Barad, the Borough Attorney affirmed the Resolution should be corrected to reflect the appropriate information. He said if that is the only change, it can be corrected verbally during the Regular Meeting.

9. RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE BERGEN COUNTY AGGREGATE ENERGY PROCUREMENT COOPERATIVE PRICING SYSTEM (THE "BCPS") NJDCA (Received from Administrator 9/20/13 @ 9:18 a.m.) Adjourned from RM 9/25/13/Revised copy received from Administrator 10/3/13

Councilman Barad recalled this has come up in discussions before; and it is something we have been working on for some time. The Borough Administrator informed our current energy agreement with Middlesex Regional Educational Services expires at the end of this year. Their requirement was that if you joined the group you were forced to buy the electricity at whatever rate it comes in at. The Bergen County Agreement allows you to opt out if you don't like the price; but they are guaranteeing in the contract that you will pay at least 10 cents per kilowatt hour less than what we are paying now, so there will be some savings; but it is unknown how much savings there will actually be at that rate. In answer to Councilman Barad, he informed that historically the cooperative rate was 8 to 10 cents below market. This Agreement would be effective for 3 years.

13. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,298.08 TO BAC TAX SERVICES CORPORATION FOR BLOCK 601 LOT 10, 22 PEARLE ROAD DUE TO DUPLICATE PAYMENT MADE BY MTGE. CO AND ATTORNEY IN FOURTH QUARTER 2013 TAX ACCOUNT (Received from Tax Collector 9/24/13)

Councilman Dolson commended the author of the wording of this Resolution because normally we would only see that it was a duplicate payment and now we can see why which is the fact that the mortgage company and the attorney both made payments.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney reported that the Transfer Station agreement (with Miele Sanitation) is about to expire. He reminded that under that Agreement, the Borough had the option for two one-year renewals; one of which was renewed for 2013. At this point, we have the option to renew for the last year or we can choose to bid out specs for transfer dumping effective January 2, 2014. Mr. Rogan asked for direction on which option the Council wished to pursue and requested authorization to prepare a Resolution for the next Agenda so that it will be in place before the end of the year. In answer to Councilwoman Amitai he explained this pertains to where our trash is dumped and the tipping fees paid for doing so. He said the Resolution would extend the current contract for one year; and if we were to renew, the tipping fees would be renegotiated from \$74 (per ton) to \$70 (per ton) and includes the paper pickup. The other option is to go out to bid on all of the services. Councilman Barad questioned what direction the DPW wanted to go in and Councilwoman Latner explained they discussed this issue at the Committee meeting this evening and basically they want to keep us safe beginning the process. She said down the road we could still go out to bid but we need the time to review all of the options but we should get this started so we're not behind in terms of timing. The Borough Attorney explained this decision would not prohibit the Council from going out to bid in 2014 for privatization. This agreement pertains to the dumping and would not affect who picks up our garbage. He said theoretically next year a private contractor could pick it up and still dump it there. Additionally, we could have a provision in the renewal to terminate in the event that the Borough goes private and that contractor could negotiate their own fees. Presently, that provision is not in there so we only have the option to renew right now.

Councilman Glidden voiced his understanding that the sentiment of the DPW Committee was to renew the contract for this last year and in 2014 really take it seriously as to looking into what we plan to do next. The Borough Attorney explained the renewal would afford the Council the time to determine the next steps. In answer to Councilman Kashwick, Mr. Rogan voiced his understanding that the towns that were cited had garbage also picked up by Mr. Miele so in addition to the per ton tipping fee, he is getting thousands of dollars for trash pickup. He explained we are in a different situation where we are not paying him anything other than to dump at his facility; so he can only surmise this is part of how Mr. Miele sets his fees. Councilman Dolson shared that he has a friend in the sanitation business and he is paying \$74 per ton also. The Borough Attorney reiterated that if we were to renew this contract, our price would drop to \$70 per ton. Councilwoman Latner informed that the DPW Committee is already investigating various options for the future including paper and cardboard pickup and looking for lower tipping fees. In answer to Dr. Barad, she affirmed there has already been some response in the interim.

The Borough Attorney asked all to review the cell tower specs that were distributed a few weeks ago and reminded that at the last meeting, there was an agreement to extend the contract with Crown Castle but we also made suggestions as to possible amendments to the bid specs. Mr. Rogan recalled we went out to bid twice with no bidders and discussed with the cell tower provider who then gave us a list of items they found to be objectionable and would deter themselves and others from bidding. He asked for a consensus by the next meeting so the specs can be revised and rebid. Mayor Heymann informed everyone received a package from JoAnn (Riccardi, Borough Attorney) and she said the Council needs to approve those changes.

6. PROFESSIONAL REPORTS (Continued)
A. BOROUGH ATTORNEY (Continued)

The Borough Attorney reported he is working on the sign/parking ordinance for the North parking lot and he hopes to have a draft ready for the next Ordinance Committee Meeting.

Mr. Rogan was pleased to report in the matter of Rosenblum v. A&P that it was tried and finally decided by Judge Estela De La Cruz last week; and the Borough was successful on all counts. The Judge ruled that the ordinance increasing the retail square footage from 40,000 to 45,000 square feet was consistent with the Master Plan of the Borough of Closter; and she also found that the proper procedure was followed and issued in a 20-page decision. The Judge reviewed transcripts and depositions and the testimony of Michael Coffey, the Planning expert, who testified on behalf of A&P; and she noted in the cross-examination of Mr. Coffey that he actually supported the Borough's position on a number of items including consistency with our Master Plan. Judge De La Cruz found without merit the contention that somehow the Borough expended its Business District. The Judge also cleared our Mayor of any Open Public Meetings Act violations as we have contended from the beginning that there was no effective majority at any discussions that were held prior to any application being held and it is not a violation of OPMA. In answer to Dr. Barad, he explained that "with prejudice" means the case is over; "without prejudice" means that you can come back to the same court with another case. The case could be appealed to the Appellate Division but they cannot go back to this Court. In this case, the Judge said it is dismissed without being able to come back. He further explained to Dr. Barad that A&P was trying to void our ordinance changing the square footage and the Judge upheld our ordinance at 45,000 square feet.

Councilwoman Amitai questioned if the application before the Planning Board included a 2-story building, would it constitute an expansion of the Business District; and the Borough Engineer explained it would violate the height ordinance because there is not enough room for the building at 27 ½ feet for retail stores; but affirmed you could have a mezzanine.

The Borough Attorney explained that our position on the expansion of the district would be to include other land in that district that wasn't there before. If we were to cross Piermont Road and pull that entire side into our Business District, then that would be an expansion of the zone itself as opposed to an expansion of a building. The argument made was that our Master Plan says we could not expand the Business District and that by changing the square footage from 40,000 to 45,000 square feet was doing just that; and the Judge ruled that it was not.

The Borough Attorney reported discussions are continuing with the attorney for Village School regarding COAH housing on that property but there has been nothing of certainty to report at this time.

B. BOROUGH ENGINEER

- 1) STATUS REPORT RE RUCKMAN ROAD, PERRY STREET, OAKLAND AVENUE, FIRE DEPARTMENT ENTRANCE RAMP AND CURB IMPVTS. HIGH STREET (from Legion Place to Knickerbocker Road), 2013 ROAD IMPROVEMENTS, & RUCKMAN PARK WALKING PATH (RM 5/8/13)

Awarded to Cifelli and Son General Construction - RM 7/10/13 – The Borough Engineer reported that all roads have been paved at this time. He reminded that all may be aware that when the contractor went to do the path at Ruckman he found it to be in very good condition with the exception of a few spots which they felt would be better to do than redo the entire path. He informed the DPW, Recreation Commission and Boswell Engineering were all in agreement

6. PROFESSIONAL REPORTS (Continued)
B. BOROUGH ENGINEER (Continued)

that it would be in the Borough's best interests. Mr. DeNicola reported that with the money that was saved, they were able to pave both Caroline Court and Wilson Court. The project still needs guide rails, striping and signage; and he anticipated completion by the end of October.

2) **STATUS REPORT RE ZONING MAP REVISIONS TO INCLUDE PROPERTIES LISTED AS PART OF NEWLY CREATED CONSERVATION ZONE OVERLAY (RM 5/8/13)** – Mr. DeNicola reported they are still waiting for recommendations from the Planning Board Planner; but if nothing comes through by the end of the year, they will revise the map with what has been changed already and worry about additional changes in the future.

3) **BOROUGH ROAD ASSESSMENTS FOR THE PURPOSE OF DEVELOPING A 5-YEAR PROJECTED ROAD PROGRAM - RM 7/24/13** – The Borough Engineer reported that because the roads are in a state of flux with the Road Program being worked on, he has not started this yet; but with it completed, he will be able to move forward. He anticipates this to be completed by the end of October or beginning of November.

4) **HICKORY LANE TOPOGRAPHIC SURVEY – RM 7/24/13** – Mr. DeNicola reported the survey has been completed and delivered to the Borough. The next step will be a proposal for developing a plan to improve Hickory Lane. He reminded that we submitted the project for the 2014 Local Aid Grant and it is a good application, but the only problem is that Local Aid goes out to do site inspections, and with PSE&G having done their trench, the road looks a lot newer than it actually is; so the weight of the application went down a little.

5) **REPORT RE ENGINEERING/INSPECTION SERVICES FOR (2013) BARRIER FREE CURB RAMP INSTALLATIONS (Per 7/15/13 proposal \$12,050/Approved RM 8/14/13)** – The Borough Engineer reported this is an ADA Program put out by the County and said the contractor has received the Borough's P.O.; but he has a backlog of towns to finish before he gets to Closter, so he will advise when they will be able to come to town. He anticipates it would not be before the end of October; and if it is not able to be scheduled before November, then it will have to wait until next year.

6) **REPORT** – Mr. DeNicola informed the above items concluded his report and asked for questions or comments.

Councilwoman Amitai requested an update regarding the Westminster Avenue situation. The Borough Engineer explained there was a court date in September where the Prosecutor required further information and documentation to determine the actual property line itself. He needed to see the whole line staked out and photos taken to show the actual property; and the next appearance is scheduled for late October. Boswell has a proposal in to do another survey of the rear property line and take photographs to be turned over to the Borough and both attorneys.

Councilwoman Latner requested an update on the fire house driveway project and the Borough Engineer informed it has been completed. Councilman Kashwick reported that the sign at Legion Place and High Street is gone and it looks like concrete was spilled on Legion Place near the egress by St. Mary's, potentially by the contractor. Mr. DeNicola informed he would go take a look.

Mayor Heymann reminded that some work was also completed at the Senior Center and asked the Borough Engineer to report on same. Mr. DeNicola explained the DCA contacted the Borough regarding insufficient ADA access to the Senior Center. As part of the road program we

- 6. PROFESSIONAL REPORTS (Continued)
 - B. BOROUGH ENGINEER (Continued)

had the contractor modify the sidewalk to include a ramp like it used to have into the Borough parking lot as well as DWS requirements for the visually impaired.

- 7. REPORTS

- A. BOROUGH ADMINISTRATOR

- 1) REPORT RE FOLLOW UP OF BOROUGH ENGINEER RECOMMENDATIONS RE POTENTIAL USES FOR SWIM CLUB PROPERTY DEEDED TO THE BOROUGH (WS 5/8/13) – The Borough Administrator voiced his opinion that even if it were to remain fallow, we should review the proposals regarding the environmental issues there. Councilwoman Latner informed she had a resident suggest the possibility of converting the property into a private tennis club. Mayor Heymann said there have been a number of such suggestions and advised some of them are still in process. The Mayor voiced her opinion that any of these interested parties would do the investigation and remediation required by the DEP; so the Borough does not have to take action because the Purchaser would handle it. Mayor Heymann said she reported a few meetings ago about year-round athletic facilities and said this particular interested party wants to place a dome over the property and include a soccer field and a cricket field. She feels when there is that much interest from somebody that something will cook sooner or later. Councilwoman Amitai asked why we were going to sell the property as opposed to holding on to it for future generations. Mayor Heymann said if that was the majority choice then so it would be but it still does not place upon us to do an investigation of the contamination at this point.

Councilman Barad suggested that if we did the investigation to better understand the scope of the contamination we would be in a better position to know what we can do with it; and we may be missing an opportunity to turn it into something we can use if it gets sold and the purchaser does the investigation. Mayor Heymann explained because of the topography of the property and the wetlands and lowlands involved, there is very little upland ground that can be developed. In her opinion there isn't a lot of advantage to test it at this point. Dr. Barad asked how could we know how expensive it will be to fix if we do not know how bad it actually is and what the value could possibly be; and Mayor Heymann said the testing is expensive. Dr. Barad voiced his opinion that it may not be as expensive as we think it will be; and we could have been wrong in all of our assumptions before. The Borough Engineer agreed with Dr. Barad and said we don't know what the value is until we know what the contamination is; so, if the Borough sells to a private entity, how do we know what to price it at. In answer to the Mayor, the Borough Attorney said normally when you go to sell, you already know what the price is; a purchaser is not going to voluntarily pay for our testing and then make an offer. He said a purchaser will want us to lock in a price contingent on their getting the testing done. Councilman Glidden asked if we had any idea right now about what it would cost to do the investigation. Mr. DeNicola reminded he provided a proposal over a year ago, he could not recall the number off the top of his head but said he would follow up in an email tomorrow with the information. Dr. Barad recalled that it was not over the top in getting the investigation started. The Borough Engineer explained that the contamination has to be quantified and then remediated. The remediation you will not know until it has been quantified. Dr. Barad voiced his support for starting the investigatory process. In answer to Mrs. Latner, the Borough Engineer explained after the property is cleaned up, a tennis court could be built there.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
 - a) Mail List requests: None at the time of preparation of this Agenda
 - b) Joint Insurance Fund: 3 Year Membership Renewal from 1/1/14 to 1/1/17 (1. M.L. 8/1/13) – The Borough Administrator reported he asked our Risk Management Consultant for comparisons from other insurance funds, but he did not receive anything. He knew the JIF would be the best price but he has nothing to compare it to.
- 3) STATUS REPORT RE GOAL SETTING FOLLOW UP REPORT OF MEETING HELD 6/8/13 RECEIVED FROM REAGAN BURKHOLDER, SUMMIT COLLABORATIVE ADVISORS, LLC (6 M.L. 6/20/13 – Received 6/18/13/ Adjourned from WS 6/26/13) – Mr. Sheola made a last call for tallies.
- 4) REPORT RE POSSIBLE FOLLOW UP OF PRESENTATION MADE BY JOHN HATCH, PARTNER, CLARKE CATON HINTZ, ARCHITECTS FOR BOROUGH HALL EXTERIOR AT WS 8/28/13 – The Borough Administrator said the consensus is to wait until 2014 for this project; and he is working to get better pricing from Clarke Caton Hintz before proceeding. He said he is actually toying with the idea of talking to another architect.
- 5) REVIEW OF REPORT PREPARED BY CHIEF FINANCIAL OFFICER AND GOVERNING BODY DISCUSSION RE CY 2013/SFY 2014 BEST PRACTICE INVENTORY, AS REQUIRED BY LFN 2013-20 (Received from CFO 10/1/13/ Distributed to M&C 10/4/13) - Mr. Sheola informed that this year there was a change in the process. Instead of someone or the staff filling it in and sending it to the Division, it is required that it be assembled and certified by the Chief Administrative Officer, Chief Financial Officer and certified by the Borough Clerk that it was discussed in public by the Governing Body.

Mr. Sheola reported that of the 50 questions posed, we were able to answer roughly 40 of them with yes; we answered another few with “Prospective” or “Not applicable” which gave us a total of 48 out of 50 or 96% out of 100%, which means we do not lose any State aid as we are in the 92% to 100% bracket.

Mr. Sheola said the one or two items we need to talk about is “Item No. 27, *Health Insurance – HI – Does your municipality exclude from healthcare coverage part time elected and appointed officials (less than 35 hours per week)?*” “He explained his interpretation was that we have only two individuals who are under that amount: one at 28 hours and one at 32.5 hours. He voiced his understanding that we would have to make some choices going forward with respect to their hours or conversely drop them from health coverage, which he would not recommend.

Mr. Sheola added that he had spoken to some of his colleagues about this and there are some issues in that there are a lot of questions this year on the Best Practices Inventory; and typical to the DCA, or the State in general, the questions came out; they were viewed by all to be prospective types of best practices because nowhere were there any white papers or finance notices or advisories issued by the DLGS indicating that these are things that we should look at. Although there have been hints here or there, nothing directing them to say that these will be questions that will be included on the Best Practices Inventory going forward. Therefore, we are trying to assemble as much information as we can and changing our practices where necessary or even reviewing our practices to see where we can give “Yes” answers to see if we can change our practices to do things even better.

7. REPORTS (Continued)
A. BOROUGH ADMINISTRATOR (Continued)

Mr. Sheola informed that the way it was assembled when he received it was he went through it and categorized and assigned which questions reflected which offices. He sent a memo out accordingly with the choices. Each office had their assignment in which he informed them to provide their answers to him. They were assembled for the final product itself. He added that it was a collaborative process which we all went through. It was a short timetable, which came out roughly 3-4 weeks ago (9/5/13) and he believed the filing is due 10/15/13.

In response to Dr. Barad's question, Mr. Sheola agreed that prospective meant we plan to do so adding that there were few questions where we were allowed to answer "prospectively".

Mayor Heymann referred to Question No. 27. She said she sees elected and appointed officials as not being employees. Mr. Sheola explained his interpretation as "appointed" being employees. They are employees that are appointed every year. The Mayor added that the positions to which he referred that are grandfathered are not appointed officials. He explained that the positions were that of health secretary and technical assistant. Mr. Kashwick agreed they are on the appointment list each year. Dr. Barad asked if they are officials. In response to Mr. Sheola's inquiry, Borough Attorney advised he does not think they are officials. Mayor and Council members would be officials; Mr. Sheola would be an official; Borough Clerk would be an official. Mr. Sheola explained he erred on the side of caution and agreed with Dr. Barad that the answer would be "Yes" to Question No. 27 rather than "No".

Mr. Dolson referred to Question No. 18, "*Grant programs can create a significant burden on a municipality's cash flow if program expenses are either not timely reimbursed or are changed to other operating accounts instead of to the grant. Are all grant revenues along with their corresponding appropriations, revised at least quarterly to determine that all program expenses have 1) been filed for reimbursement and 2) have been properly charged to the grant, with follow up communication to grantor agencies in instances where payments are delayed?*" which said "No" but should be "Yes". Borough Clerk said she had read it and informed Mr. Sheola who subsequently changed it. Mr. Sheola explained that Auditor and Bond Counsel were split with their answers to this question where we may do two or three things. So... they said if we are doing the majority of it to answer yes. This was one of those. Therefore, Mr. Dolson clarified that it was not a misprint; it was a correction.

Dr. Barad asked if this goes back to them with the comments. Mr. Sheola added if there were areas where there was a bit of explanation needed, that is why comments were indicated and only a few have comments.

Dr. Barad referred to Question No. 7, "*Does your municipality require its elected officials to attend on an annual basis at least one instructional course, approved for continuing education credit by DLGS covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology, etcetera)? This tem may also be satisfied through in-house education provided by a professional, vendor or staff member provided they have significant expertise in their profession and routinely prepare public presentations.*" Your Comment was that "New members only are required to attend." He reminded that all members are required to attend the Risk Management class annually which counts as a yes. Mr. Sheola's explanation was that he and Loretta were going back and forth about this. Therefore, he will remove it as there is no caveat.

7. REPORTS (Continued)
A. BOROUGH ADMINISTRATOR (Continued)

Dr. Barad referred to Question No. 20, *“In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality’s credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?”*

Comment *“The Borough does not have a written policy but annually reviews with the Finance Committee and full Council the opportunities to replenish surplus and historical trends.”* Mr. Dolson agreed they do as much as possible which is written and spoken.

Councilman Kashwick asked if there were any other “No” answers Mr. Sheola informed we had only one “No” which was Question No. 15 regarding audit findings. *“Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. Have all audit findings from the 2011 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2012 audit? If the answer is no, please list the repeat findings in the comments section and, upon appeal by the municipality, the Director shall determine based on the comment(s) whether the finding(s) is/are sufficiently material to warrant a “no” answer. Comments: There were three (3) repeats from 2011:1. GL accounts be reviewed and reconciled on a monthly basis; 2. Grants receivable balances be reviewed and; 3. All trust funds reviewed and approval to expend dedicated funds from DLGS or balances transferred in accordance with state statute.”*

He said we didn’t completely comply so he answered “No” with “Comments”. Ms. Amitai questioned the purpose whether it was for status. Mr. Sheola explained it was part of the budget reform package that went through the State a few years ago that municipalities should be held to a higher standard when they do their budgeting and financial practices because out of 565 municipalities, there could realistically be 565 ways of looking at things. It’s the intent of the State to get the majority, if not all municipalities, on at least the same plane. There is no standard for budgeting. The line items have listings of expenses that are interpreted by each municipality. This is the attempt to have some uniformity throughout the state. They have been going on nationwide for quite some time and it has been picked up by New Jersey. In response to Ms. Amitai’s inquiry whether it is linked to State Aid, Mr. Sheola referred her to the last page which indicated a scoring as follows: # of Questions scored yes, prospective, or “not applicable” 41-50; Amount of Aid Disbursed 100 %; Impact on final 5% aid payment/impact on total aid” - No Penalty”.

In response to Mr. Sheola’s inquiry whether there were any further questions, no one else had anything further to discuss on this subject.

6) REPORT RE RFP’S FOR THIRD PARTY PAYROLL SERVICES FOR 2014-2015 CALENDAR YEARS (published in The Record 9/20/13 and Web Site - Opening to be held 10/11/13 @ 11 a.m.) – The Borough Administrator reported the RFP’s are due this Friday. He said the plan is to have the staff review the ones that come in along with the Finance Committee. He would like to get this on the Agenda as quickly as possible knowing that the changes would occur January 1st and we need sufficient time to have our records transferred over if we are using a different provider. Mr. Sheola would like to have it on the Agenda no later than the first meeting in November.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

7) REPORT RE BOND ANTICIPATION NOTES (BANS) AND SPECIAL EMERGENCY NOTES (SENS) SALE HELD 9/27/13 - Mr. Sheola reported as follows:

a. The Bond Anticipation Note Sale was successful with the exception of the “snafu” by the winning banks of which some of you are aware. The closing took place on 10/27/13. We sold the Bond Anticipation Notes in the amount of (\$3,858,000) at a net interest rate of 0.62% for 359 days (to Capital One, NA) which compares to the one that matured at 0.89% and 1.36% ; (Maturity date: 9/26/14)

b. Special Emergency Notes (in the amount of \$348,000) - We were able to sell at an interest rate of 1.75% for 359 days (to PNC Bank) with maturity date of 9/26/14. The reason for that is it is taxable issue vs. the Bond Anticipation Note. It compared to 1.80% a year ago.

Mr. Sheola added that we were able to assemble about four ordinances together in a bond anticipation note because they had various maturing deadlines, and by doing that, we were probably able to save approximately \$10,000 in Bond Counsel accountant fees rather than having multiple bond sales during the course of the year. We also probably received a better price by having a larger note “on the street” rather than having a number of smaller ones.

In response to Councilman Glidden’s request regarding the maturity on the new note, Mr. Sheola informed they were both 359 days for both pieces.

8) REPORT RE 2014 BUDGET PREPARATIONS – The Borough Administrator reported the preparations are moving forward with the Department packages due 11/27/13. His goal is to have a rough draft by the end of the year so we have a good idea where we’re going. Mr. Sheola said he received information regarding the 2014 State Health Benefit insurance rates and they are about 7% higher than the 2013 rates; and this means between current employees and the portion we pay for retirees, it’s about \$80,000 right off the bat.

9) REPORT – The Borough Administrator reported he sent out a synopsis of his experiences at the ICMA Conference and expressed his gratitude for being allowed to attend as he found it to be a worthwhile experience.

Mr. Sheola reported they are working on some changes for the escrow process because there is a gap in there between accounting and tracking of the escrow. He is working with Finance and the Land Use folks and they hope to have that in place in another couple of weeks to make it seamless for the applicants and improve the accounting functions.

The Borough Administrator reported he has been working with the IT Manager regarding changes to the web site and rearranging content; but he would like to speak with the IT Committee before anything is done. The IT Manager reported he was almost ready to roll out the new email addresses with the email server getting online. He reminded he previously reported that the Borough purchased the domain name “closternj.us” and the intended format will be first initial and last name@closternj.us rather than having titles to make it more uniform. They want to make sure everyone is set up before that rolls out; and the current email addresses will still be able to receive emails. But when you respond back it will show the new address. He reported Council1-Council6 will now be in the same format as well so it will be more personal.

The Borough Administrator reported he is getting configuration proposals for emergency generators at the Senior Center and the Library so they can prepare bid specs as the cost will be over the bid threshold.

The Borough Administrator reported he received notification very late for this meeting that the Borough was awarded \$15,479 for the 2013 Recycling Tonnage Grant; which is a \$700 increase over last year. This is because of the increase in recycling and decrease in solid waste.

7. REPORTS (Continued)
A. BOROUGH ADMINISTRATOR (Continued)

The Borough Administrator informed they discussed earlier in the evening at the DPW Committee Meeting the issue of the groundwater remediation at the DPW facility. He researched and found that in 2012 Langan (Engineering) was hired to do the preliminary investigation work hiring an LSRP; and then they were told not to do any of the work. The NJDEP has changed their processes and instead of them going and doing investigations they are relying on municipalities to do the investigation and reporting. He received a phone call from the DEP requesting an update and he informed that he needed to speak with the Governing Body regarding same; and the DEP said they would expect a phone call tomorrow morning. As follow-up he requested a copy of the Borough Engineer's proposal which was received today at \$23,800 while Langan's was \$24,240. Mr. Sheola said he doesn't feel that we can wait any longer because now his name is on the case and he doesn't want to be getting phone calls saying we owe the DEP fines. He reiterated that while the DEP is shifting responsibility to the property owners they are still serious as a heart attack when it comes to fines and enforcement. The Borough Administrator reported he needs to let the DEP know tomorrow that we are moving forward in some fashion and asked whether they wanted to keep Langan or go with the proposal from Boswell. In answer to Mayor Heymann, the Borough Engineer reported that Boswell was in the same ball park as Langan as far as the proposals. He further explained that the cost is so high because there are DEP requirements as far as the process goes including an LSRP and permitting fees. He reminded her that 10 years ago his firm had offered to do the same work and at that time the Borough opted not to. Mayor Heymann voiced her desire for further discussion on the matter before an answer is given and the Administrator thinks he could satisfy the DEP by informing them that the Borough has decided to move forward and is in the process of hiring an LSRP. It is a very generic answer that may be able to say we are addressing it without going into specifics. In answer to Councilman Dolson, the Borough Engineer said Boswell is just getting involved in the project so they are operating more in the dark than Langan was. Mayor Heymann reminded the project was started in 1987 and we have poured infinite amount of dollars into that sinking hole and no engineer is ever going to find it clean if they can help it. She voiced her sentiments that she is bitter about the whole thing. The Borough Engineer reassured the Mayor the firm's goal is not to take money from the Borough, but rather to solve the problem. In answer to the Mayor, he reminded that Boswell has not been at all involved in the process since day one. Mayor Heymann said she would like a guarantee; and if someone can say it will be over in 2 years, she will gladly sign on the dotted line; but each year for the past 20 years there has been something else that has come up to cause reason for continuing it.

B. BOROUGH CLERK

1) STATUS REPORT RE 2013 APPOINTMENTS – The Borough Clerk reported we are current with outstanding appointments being maintained on the Regular Meeting Agenda. Her office is preparing for 2014 appointments and plans to be sending a memo on 10/14/13 to all Borough Boards, Departments and Commissions asking for recommendations for 2014 Appointments which will be due 11/15/13.

2) STATUS REPORT RE 2013 OATHS OF OFFICE – Ms. Castano reported Oaths of Office are current.

3) STATUS REPORT RE 2013 LICENSES – The Borough Clerk reported 2013 Licenses are current. On 10/11/13, her office plans to send the customary memo to the Chief of Police for inspections for 2014 Borough Licenses which will be due 11/4/13. She informed they will be including the new Live Entertainment License form but they have not completely worked out the details.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

4) STATUS REPORT RE 2013 MEETING DATES – Ms. Castano reported her office sent out the 2014 Meeting Dates calendar and memo to all Borough Boards, Departments and Commissions on 10/7/13 for response by 12/2/13. She informed she included tentative Mayor and Council meeting dates and requested if anyone had issue with any of the proposed dates to let her know as soon as possible. Ms. Castano hopes they will consider again canceling the 2nd meeting in December to allow for preparations for the Reorganization Meeting.

5) STATUS REPORT RE ELECTIONS:

a. SPECIAL GENERAL ELECTION – The Borough Clerk reported the Special General Election will be held Wednesday, 10/16/13, from 6 a.m. to 8 p.m. The machines have been delivered and the Mayor will be happy to know there is only one per district this time. She said a lot of people have been asking what this election is about; and noted she received her sample ballot yesterday which she posted for the public. She voiced her sentiment that it will be a very long day for the Board Workers and for herself and hopes there is a better turnout than anticipated.

b. GENERAL ELECTION – Ms. Castano reported the General Election will be held Tuesday, 11/5/13, from 6 a.m. to 8 p.m. The last day to register to vote in the General Election is Tuesday, 10/15/13, and our office will be open to the public from 9 a.m. to 9 p.m. to register voters. Usually the turn out to register is zero but we remain open nonetheless.

6) REPORT – The Borough Clerk reported Arlene (Corvelli, Deputy Borough Clerk) attended two recent seminars and accomplished something she has been trying to do herself for 4 years. She was pleased to report they have both been certified for ARTEMIS which allows Request and Authorization for Records Disposals to be created and submitted online as opposed to the past procedure of filling out the 4-part form. We briefly discussed with Argean Cook from DARM about having her come to give a hands-on demonstration with the appropriate Department Heads but Argean was looking to have something more of a joint venture to have a larger group. Ms. Castano reported Arlene attended an Open Source Government: Privacy v. Transparency: When OPRA Meets the Web Seminar in Totowa (presented by Dave Nenno, formerly of the Local Finance Board) and she found it to be extremely interesting. She spoke to the individual who presented part of the seminar (Joe Adams, Owner/Operator of Moth and Fire LLC: a Web design and consulting firm) and he is very willing to come up to the Borough for a demonstration which we will attempt to plan for 2014 to assist our employees to work with their computers; teach them how to better access their information and issues dealing with OPMA and OPRA and email and privacy issues.

Ms. Castano reported regarding the 98th Annual League Conference in Atlantic City from 11/19, 20, 21 to 22 that the Pre-Registrations have been paid for and we are awaiting the arrival of the badges. Hotel reservations have been made (and paid for); and when she receives the badges, she will forward them along with hotel information to those who plan to attend.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported the September Report for the Police Department was emailed to everyone this afternoon. Once again the Department will participate in the DEA Prescription Drug “National Take Back Initiative” on 10/27/13 between 10 a.m. and 2 p.m. They sent out press releases to the local papers and Kevin Whitney posted the information on the Borough web site. The Chief also had the information posted on the Police Department’s Facebook and Twitter accounts.

7. REPORTS (Continued)
C. CHIEF OF POLICE (Continued)

Chief Kaine reported the Superintendent of Schools requested officers for the Special General Election and we will have to pay overtime for the officers because we don't have any extra; so one officer will be posted at each school between 8 a.m. and 3 p.m.

The Chief reported that they were able to obtain 1,000 glow sticks that Detective Aiello will give out to the children for the Halloween Safety Program where he will be giving a safety speech to the children.

In answer to Mayor Heymann, the Chief explained that the officers at the schools will be paid on overtime. He affirmed that it is not an expense that is reimbursable from the State for the Special Election.

Chief Kaine reported they staged an evacuation drill at Tenakill School today where they were able to get everyone out and secured over at St. Mary's Church within 8 minutes.

The Chief reported they received two new Ford Explorers which are being outfitted with emergency lights and equipment to hopefully be in service in the next two weeks. The new trucks are black with white lettering, which is the opposite of what we have now; and he explained most towns are going back to this scheme because it costs more to buy a white car.

At this time, Councilman Glidden congratulated the Police Department on their successful evacuation drill.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. 2013 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000)

Authorization for application RM 6/13/12 – Mayor Heymann reported this grant had been changed from \$10,000 to \$5,000 because that's what the grant amount would have been; they did not give it to us this year and never informed us. She said Leslie (Weatherly) followed through on this to find out why, and we were told we sent it in late; but Leslie has proof we sent it in on time. She sent the proof and requested further explanation as to why we were not awarded the grant but we have not heard back as of yet. Mayor Heymann voiced her opinion that the person in charge did not do what they were supposed to do and we are out \$5,000.

2. 2014 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$5,000)

Authorization for application RM 8/28/13

3. BERGEN COUNTY HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (\$189,000 – 50% matching funds available in Closter Open Space, Recreation, Historic Preservation and Farmland Preservation Municipal Trust Fund) TO ACQUIRE AND PRESERVE THE HAROLD HESS LUSTRON HOUSE, 421 DURIE AVENUE, B 1003, L 21 - RM 7/24/13

b. AWARDED

1. 2013 CDBG GRANT CONTRACT #NV-CLSTR-03-13 IN THE AMOUNT OF \$10,000.00, FOR HANDICAPPED ACCESSIBLE DOORS BOROUGH HALL PROJECT FROM 7/1/13 to 6/30/14 (9. M.L. 9/12/13)

c. TO BE FILED

1. To be announced by Mayor.

7. REPORTS (Continued)

D. MAYOR (Continued)

2) REPORT – Mayor Heymann reported on the following items:

a. 2014 HAND OUT CALENDAR (Requested by Mayor 10/2/13) - Mayor Heymann referred to the changes Leslie is recommending to the calendar and said they are being realistic that everyone needs the calendar for recycling schedules, but not necessarily for everything else. They feel if the calendar is condensed, it will significantly lower our printing and mailing costs. This will probably be at least as useful to the residents because this is what they are really looking for. She asked for consideration of same. Mrs. Amitai noted she hopes a local fellow gets the job and said it doesn't even have to be in color.

b. DISCUSSION OF POSSIBLE NJLM RESOLUTION ON EXORBITANT STATE FEES (Requested by Mayor 10/3/13) – Mayor Heymann reported she worked with the League of Municipalities in formulating this Resolution because they are interested in this as well. She hopes that other municipalities will consider supporting same and that the League is able to do something with it by the time they meet in November at the Conference.

Mayor Heymann reminded she was appointed to the Regional School Board Committee to design the Random Drug Testing (policy). She has been very unhappy on that committee and has expressed thoughts on behalf of the Mayors, who have a copy of what she distributed to the Council; which she will convey at the next meeting. In fact, another Mayor added her feelings to Mayor Heymann's letter and she will distribute that also. There is a Planning Board meeting at the same time so the timing is very tight.

Mayor Heymann referred to the letter that was distributed to the Council congratulating Vantage on behalf of the Architect's League and said this is quite a coup for Closter. Not only is it a Gold Level Green Building, it is a non-profit building in Closter that we helped with our COAH funds; and she said it is something we can all be proud of.

Mayor Heymann congratulated the CIC on their musical weekend which she felt was absolutely lovely. She voiced her sentiments that it was very well thought out and very well done. The audience could have been larger but Thursday and Friday nights were good, and it petered out Saturday and Sunday. There was a great deal of talent in Closter and everyone feels it should be repeated. The Mayor said Maria Kim and Tina Stratton were co-chairs and did a very good job. Councilman Glidden informed he attended most of the performances but said the Sunday performance at 3 p.m. at Tenakill was phenomenal. The Mayor reminded most of them were principals with the Metropolitan Orchestra and said some of the compilations they did a couple could easily pay several hundred dollars for in the city. She informed that the Friday night performance was a Bluegrass event at the Closter Commons, which was dressed up; and the audience and many, many children enjoyed it. It took place in a little park the Borough got gratis and Dr. Barad voiced his opinion we should encourage other events at that location. Mrs. Amitai said the CIC is considering other types of events to hold there and is trying to get something done at the Belskie, but it is really difficult to get on their calendar because they are so full. Dr. Barad said he attended all of the events and felt the talent show on Saturday was very good. He said we need to find ways to promote it more than we did; but to some extent, word of mouth will be helpful in some ways.

At this time, Mayor Heymann informed the former Closter Station right on Closter Dock Road is getting approval from the DEP that it is completed and clean; and that means that it will probably be ready for interest which there already is. She said it may not be purchased for a use we would like to see there; and she asked everyone to think about that piece of property. The Mayor said it is on the market and some of the proposed uses include a fast food restaurant and other types of businesses that would draw in a lot of traffic. In answer to Mrs. Amitai, Mr. Kashwick said he would rather keep this already paved piece of property as a ratable and purchase a different parcel that has trees on it.

8. OLD BUSINESS

At this time, the Borough Engineer recalled that a grant application for a Rails to Trails program going up to Norwood and another up to Route 9W was submitted; and inquired if they ever received a response. Mayor Heymann informed she has not; and Mr. Kashwick said that for the grant last year, it took a year to get notification.

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

Corrine Corcoran, 604 Closter Dock Road expressed her dissatisfaction with the Zoning Board expressing how inadequate they are relative to 626 Closter Dock Road, for allowing an impervious surface of over 37%; which is over the 30% limit for residential areas. She cited the Building Department for letting this happen on a permit that was open for more years than it took to build the Freedom Towers. The Board made the applicant give back nothing, not even an inch, which she said is disgusting in her opinion. Ms. Corcoran said the only message the Board sent was if you build it, you can leave it; and if you're a new person, it doesn't matter that the building is incomplete inside; as long as the structure stands, you do not have to remove anything. The suggestion the potential new owner was given was to consider removing the pool, though it is unknown if it is even usable; and she said why would the applicant want to do that if it's already there. The applicant was not even required to remove an ugly shed; but there was only one member of the Board who really tried to get the rest of the Board to reduce the impervious surface of the application. She did not believe that all the Board members visited the site. Ms. Corcoran voiced her opinion that the only thing that seems to matter to the Borough is receiving tax revenue on the property, which she believes is very far behind in collections.; and to her, that seemed to be the only function going on in that room at that meeting. She cautioned that because of this application, the Borough will be hard pressed to vote against similar applications. Ms. Corcoran informed they even asked this potential new owner if she had a way out of the deal and was it solidified; and the potential owner did have a way out and did not have to purchase this piece of property. If she didn't like what the Zoning Board was laying out, she could have walked away. She referred to one of the required remediations for water runoff - and the applicant's engineer stated that it could be contained by catch basins the size of which could not contain water from a 100-year flood because they based those figures on a 10-year projection. Based on the rain events that are going on now, the applicant's engineer said that the basins should be 3 to 4 times the size that they are stating the need to be. Ms. Corcoran said she was glad she doesn't live down the hill from that property and noted that not one Board member had any comment regarding the catch basins. Consideration should seriously be given to what Board members are doing and on how

well they are doing their job at the time of reappointment for the benefit of the Borough and the residents. Ms. Corcoran questioned how the applicant was able to get away with all of this.

Councilman Dolson explained he was not at the meeting but the justification he was given for the Board determination was that when the house was started and made the size that it is, it was in compliance with the limiting schedule in effect at that time. He voiced his understanding that since that was the schedule in effect, the applicant was granted retroactive approval.

Ms. Corcoran said she noticed when she received her notice, the attorney for the applicant sent out the notices a day late and said the applicant should have asked themselves why they have an attorney who can't get paperwork out on time. She said she was not informed as an owner within 200 feet of the property that the meeting has been postponed because of the issue they had with giving notice. Ms. Corcoran noted the whole notification process has to be done again and said that she wasted her time, but came to the meeting to tell them all how absolutely mad she was. She is appearing again to reiterate how much more upset she is because she strongly feels the Board did not do their job. Ms. Corcoran voiced her understanding that it has never been allowed that a property can have 37% impervious coverage in this town. She again urged the Council to seriously look at who they are reappointing. Mayor Heymann said she did not know enough about the situation but said she would follow up on it.

In answer to David Baboo, 262 Durie Avenue, Borough Administrator said that the Borough has the domain name for dot com (".com") and has also purchased dot us (".us") approximately 6 months ago. Relative to Ordinance No. 2013:1150, Borough Attorney said that this is scheduled for public hearing during the Regular Meeting.

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 9:16 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on October 18, 2013 for approval
at the Regular Meeting to be held
October 23, 2013

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held October 23, 2013
Consent Agenda Item No. 18b.