

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 9, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:20 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 Annual Notice of Meetings which published in The Record and the Star Ledger on January 6, 2014, 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

Those present were as follows:

Mayor Sophie Heymann
Councilpersons John C. Glidden, 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

3. POSSIBLE MAYORAL APPOINTMENT OF _____
AS CLASS IV MEMBER OF THE PLANNING BOARD FOR A 4-YEAR UNEXPIRED TERM
(LIGNOS) TO 12/31/17 (5. M.L. 2/27/14)

4. MAYORAL PROCLAMATION DECLARING MONDAY, APRIL 28, 2014 AS ARBOR DAY IN THE
BOROUGH OF CLOSTER (Received from Councilman Kashwick 3/27/14)

Mayor Heymann read and so declared, noting that Closter does observe Arbor Day by planting trees and this year trees would be planted at Hillside School, the Library and Farrell Woods. She also noted that Closter has been designated Tree City USA for the 14th year and has a long history of environmental action. Borough Clerk thanked Councilman Kashwick for drafting the Proclamation.

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

This Ordinance was introduced at the Regular Meeting held 3/12/14 and was published in The Record on 3/18/14 as stated in the 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.

ORDINANCE NO. 2014:1155, "BOROUGH OF CLOSTER CALENDAR YEAR 2014 ORDINANCE
TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK (N.J.S.A. 40A:4-45.14)"

Mayor Heymann opened the public hearing.

Councilman Glidden asked for clarification of the ordinance and Mayor Heymann advised that the ordinance gives permission to exceed the 2% CAP, which does not mean that we will and the CAP Bank has already been established and we are adding to it. Borough Administrator advised that the budget narrative indicates what is in the CAP Bank and it depends on the CAP as to how many years it can be kept.

Mayor Heymann closed the public hearing.

Motion adopting Ordinance No. 2014:1155 was made by Councilman Dolson, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

6. PUBLIC HEARING AND ADOPTION OF THE 2014 MUNICIPAL BUDGET AND RELATED RESOLUTIONS @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The Municipal Budget was introduced at the Regular Meeting held 3/12/14; and the Municipal Budget Summary was published in The Record issue of 3/20/14, as stated in the printer's affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board in accordance with statutory requirements, was posted on the Municipal Web Site pursuant to N.J.S.A. 40A:4-10; and copies have been made available to the general public. On 3/20/14, the Borough Clerk hand delivered a copy of the Municipal Budget to the Library Director, in accordance with N.J.S.A. 40A:4-8, for public inspection.

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

7. INTRODUCTION OF AMENDMENT TO THE 2014 MUNICIPAL BUDGET - PUBLIC HEARING – 4/23/14 @8 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Auditor 4/3/14)

Borough Administrator explained that notification from the State indicated that the Pension bills would be reduced by approximately \$65,000. In conjunction with the restoration to Borough Hall an ordinance was introduced at the last meeting appropriating \$650,000 in bonds or notes and an additional down payment of \$29,000 must be added to the capital budget. The net effect on appropriations is a reduction of \$36,364. In conjunction on the revenue side there is an increase in cell tower rental from \$70,000 to \$72,000 and after discussion with the Finance Committee and comments from the Borough Auditor, it was recommended to reduce the fund balance being used to fund the budget from \$1,233,000 to \$1,080,000. Those changes are a reduction in the Revenue net of \$36,364 so that the budget as amended is \$14,751,123. Revenue and appropriations are balanced but with the reduction in the use of Surplus, taxes will increase \$114,936 which would impact the tax rate by ½ of 1 cent impacting the average home assessed at \$650,000 from the introduced budget of \$56 per year to \$83 per year.

Councilman Dolson said that the ramification on budgets in subsequent years must be considered and noted that the budget is prudent in that it provides for the continued service without excessive tax increase. It is not as low as we would like but decreases in miscellaneous revenues have necessitated this particular budget. Mayor Heymann cited increased construction in the Borough this year that could provide increased revenue that may not have been known to the Budget Committee in addition to an increase of fees and real estate tax revenues from new construction which during the first year go completely to the Borough. She also cited the proposed construction at the Plaza. She felt the use of the Surplus is overly conservative and costing the Borough residents tax money that they could save. In that regard when the tax rate is low enough, the real estate values go up and the real estate values are the result of the tax situation.

In answer to Councilman Barad, Borough Administrator noted approximately \$153,000 more would be taken from Surplus and therefore with the other changes the tax increase would drop to \$34.43 instead of \$56.00. He cited a review by the ratings company last year, which indicated a large use of fund balance in support of the municipal budget each year running the risk of not regenerating the amount used which we did not do going from 2013 to 2014. On an average over the last 15 to 18 years 70% has been used of available surplus. Adoption of the introduced budget would indicate a 77% use of surplus whereas the amended budget would use 67%. This is a conservative approach but it would set the Borough on firmer ground going into 2015. Mayor Heymann cited the Borough's good bond rating in addition to using the County bond rating of AAA. By State law, municipalities have to have balanced budgets and cannot go bankrupt and the bond company rating person did not know New Jersey law. Borough Administrator noted that the Borough Auditor was uncomfortable with the use of \$1,233,000 from surplus but he did not recall if he had a break number. He cited the percentage usage of surplus in prior years and felt that the reduction in the usage this year puts the Borough on stronger footing in the future.

Motion approving the Amendment to the 2014 Municipal Budget was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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

The following Ordinances were introduced at the Regular Meeting held 3/12/14 and were published in The Record on 3/18/14 as stated in the printer's and Clerk's affidavits of publication. Reprints of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public.

- a. ORDINANCE NO. 2014:1158, "AN ORDINANCE AMENDING CHAPTER 200, ZONING, ARTICLE XIB, AFFORDABLE HOUSING, SPECIFICALLY, SECTION 200-54.22 AFFIRMATIVE MARKETING"

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

Motion adopting Ordinance No. 2014:1158 was made by Councilman Kashwick, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- b. ORDINANCE NO. 2014:1159, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR LAND USE, POLICE DEPARTMENT AND RECREATION COMMISSION FEES”

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

Motion adopting Ordinance No. 2014:1159 was made by Councilman Glidden, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- c. ORDINANCE NO. 2014:1160, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES”

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

Motion adopting Ordinance No. 2014:1160 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- d. ORDINANCE NO. 2014:1161, “AN ORDINANCE ADOPTING THE 2014 CLOSTER PERSONNEL MANUAL”

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

Motion adopting Ordinance No. 2014:1161 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.

9a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 16 and 21 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

ORDINANCES

10. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING AND ADOPTION – 5/14/14 @8 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2014:1163, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173, SPECIFICALLY 173-79 to 173-92 REGARDING SIGNS” (Received from Borough Attorney 4/1/14)

RESOLUTIONS

11. BILL RESOLUTION – APRIL 15, 2014 (Received from Deputy Treasurer 4/4/14)
12. RESOLUTION ENDORSING SUBMISSION OF THE 2013 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATING CAROLE DACEY TO ENSURE PROPER FILING OF SAID APPLICATION (Requested by Recycling Coordinator 3/24/14)
13. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2014 (Received from Temporary CFO 4/1/14)
14. RESOLUTION MEMORIALIZING APPOINTMENT OF PROBATIONARY PATROLMAN KEITH DOMBKOWSKI MADE AT THE REGULAR MEETING HELD 3/26/14 (Received from Borough Attorney 4/3/14)

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- 15. RESOLUTION MEMORIALIZING REFERRAL OF HISTORIC PRESERVATION NOMINATION REPORT FOR BOROUGH HALL TO THE CLOSTER PLANNING BOARD MADE AT THE REGULAR MEETING HELD 3/26/14 - TO BE PREPARED BY BOROUGH ATTORNEY
- ~~16.~~—RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-001-006, NORMLIN, INC., D/B/A RUDY’S PIZZA, FROM 71 CLOSTER PLAZA TO PREMISES LOCATED AT 121 VERVALEN STREET (Notice of Intent to Transfer published in The Record on 3/27/14 and 4/3/14)
- 17. RESOLUTION AUTHORIZING THE MEMBERSHIP IN A SHARED SERVICES COOPERATIVE WITH THE U.S. COMMUNITIES AND AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A MEMBERSHIP APPLICATION (Received from Administrator 4/2/14)
- 18. RESOLUTION AUTHORIZING THE MEMBERSHIP IN A SHARED SERVICES COOPERATIVE WITH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) AND AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A MEMBERSHIP APPLICATION (Received from Administrator 4/2/14)
- 19. RESOLUTION AUTHORIZING THE MEMBERSHIP IN A SHARED SERVICES COOPERATIVE WITH THE NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA) AND AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A MEMBERSHIP APPLICATION (Received from Administrator 4/2/14)
- 19a. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2012 & 2013: RAHAMIN EVAR V. CLOSTER (Received from Borough Attorney 3/28/14/ Certification of Funds received from Temporary CFO 3/31/14)

MOTIONS

- 20. *POSSIBLE* MOTION APPROVING THE FOLLOWING APPOINTMENT(S) OF *SALARIED* EMPLOYEES FOR A 1 YEAR TERM TO 12/31/14 (NOT MADE AT THE REORGANIZATION MEETING HELD 1/2/14):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>
DEPUTY COURT ADMINISTRATOR	<u>Vacant</u>	_____
P/T CLERICAL (RECREATION)	<u>Gina Ferraro</u>	<u>Gina Ferraro</u>

- ~~21.~~—*POSSIBLE* MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH			2 Years Unexp. (Pierro)	
Alternate No. 1	<u>Janice Pierro</u>	_____	to	12/31/14
	<i>(Janice Pierro reappointed to Member at RM 1/22/14)</i>			

**IMPROVEMENT
 COMMISSION**

Not made at ReOrg 1/2/14:

Member	<u>Vacant</u>	_____	2 Years Unexp. (Vacant)	to	12/31/14
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- 21a. MOTION APPROVING APPOINTMENT OF JOSEPH ZAVARDINO AS ACTING CONSTRUCTION CODE OFFICIAL UNTIL THE REGULAR MEETING OF APRIL 23, 2014. MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY FOR REGULAR MEETING OF 4/23/14

Councilman Kashwick noted that he had spoken to the Construction Official who indicated he did not know when he would be able to return.

- 22. MOTION APPROVING THE FOLLOWING MINUTES:
 - a. REGULAR MEETING HELD 3/26/14 (Distributed 4/4/14) ABSTENTION: AMITAI
 - b. WORK SESSION HELD 3/26/14 (Distributed 4/4/14) ABSTENTION: AMITAI
- 23. MOTION GRANTING APPROVAL FOR CLOSTER PTO TO CONDUCT ON PREMISE 50/50 CASH RAFFLE AT TENAKILL MIDDLE SCHOOL, 275 HIGH STREET, ON FRIDAY, 5/2/14, FROM 7:00 P.M. TO 11:00 P.M.; DRAWING TO BE HELD: 10:30 P.M. (Completed application filed and appropriate fees paid)

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24. MOTION GRANTING/~~DENYING~~ APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING HAWKERS AND PEDDLERS LICENSES FOR CALENDAR YEAR 2014 PER BOROUGH CODE CH. 127 (Received from Chief of Police 4/2/14):
- 1) PERMIT NO 2014-04 – JAMES HARDIE BUILDING PRODUCTS/INFO ON SIDING:
 - A. FOR JOSEPH P. CANN, 71 JACKSON ST., APT. 3F, HOBOKEN, NJ 07030
 - B. FOR SEAN P. MCSWEENEY, 1065 BLANCH AVE., NORWOOD, NJ 07648
 - C. FOR PETER C. CAMPANELLA, 11 BLADES RUN DR., SHREWSBURY, NJ 07702
 - D. FOR RAINIER ANTHONY FENELL, 1612 HOLLAND DR., SOMERSET, NJ 08873
 - 2) PERMIT NO. 2014-05 – W. REID PAINTING AND PRESSURE WASHING/PAINTING AND PRESSURE WASHING SERVICES, FOR WILLIAM REID, 400 RIVERFRONT BLVD. #125, ELMWOOD PARK, NJ 07407
 - 3) PERMIT NO. 2014-06 – POWER HOME REMODELING GROUP/MARKETING FOR HOME REMODELING:
 - A. FOR KYLE J. GOINS, 198 ARBOR ST., CRANFORD, NJ 07016
 - B. FOR ANTHONY PAONESSA, 21 NOTTINGHAM CT., RINGWOOD, NJ 07456
 - C. FOR CHRISTOPHER M. LEVA, 9 SHIELD RD., MILLSTONE TWP., NJ 08535
 - D. FOR ADRIAN G. ALEXIS, 27 FLORIDA ST., MAPLEWOOD, NJ 07040
25. MOTION APPROVING THE FOLLOWING APPLICATIONS AS NEW MEMBERS OF THE KNICKERBOCKER HOOK AND LADDER COMPANY (Completed applications received 4/4/14):
- a. GARY J. CERBASI
 - b. RYAN J. LEDERMANN
26. MOTION GRANTING APPROVAL FOR ST. PAUL’S LUTHERAN CHURCH TO HOLD A ONE-HOUR EASTER SERVICE AT 7:00 A.M. ON SUNDAY, 4/20/14, IN THE CLOSTER MEMORIAL FIELD BANDSTAND AREA (4. M.L. 3/13/14/Approval received from Risk Management Consultant 4/4/14)
27. MOTION GRANTING APPROVAL FOR CLOSTER RECREATION COMMISSION TO HOLD THE ANNUAL LITTLE LEAGUE PARADE ON SUNDAY, 4/27/14: FORMATION AT 12:30 P.M. AT THE BOROUGH HALL; PROCEEDING AT 1:00 P.M. THROUGH TOWN TO THE GEORGE POTTERTON LITTLE LEAGUE FIELD FOR THE OPENING DAY CEREMONIES (1. M.L. 4/10/14)
28. REPORTS
- a. CONSTRUCTION OFFICIAL – MARCH 2014 (Received 4/2/14)
- 9b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA
16. RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-001-006, NORMLIN, INC., D/B/A RUDY’S PIZZA, FROM 71 CLOSTER PLAZA TO PREMISES LOCATED AT 121 VERVALEN STREET (Notice of Intent to Transfer published in The Record on 3/27/14 and 4/3/14)
- Motion to carry the above noted resolution to the Regular Meeting of April 23, 2014 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.
29. 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 to the public.
30. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY
- Councilwoman Amitai requested that the Borough Administrator re-advertise the Construction Official job on the League of Municipalities website with more flexible wording to include part time and full time. Mayor Heymann suggested that the wording include that applicants be within a 30 minute drive of Closter. Borough Administrator said he would send a draft of the ad to the Committee before sending same to the League.
- 30a. Motion approving the following Closed Session Resolution at 10:05 p.m. was made by Councilman Kashwick, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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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 contract negotiations” and that the item under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 8 weeks.

Mayor Heymann resumed the Regular Meeting at 10:15 p.m.

31. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:15 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
April 17, 2014 for approval at the
Regular Meeting to be held
April 23, 2014

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held April 23, 2014
Consent Agenda Item No. 24a

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 9, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, April 9, 2014. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Annual Notice of Meetings which was published in The Record and the Star Ledger on January 6, 2014, 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

Those present were as follows:

Mayor Heymann

Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick,

David Barad (7:38 p.m.), Arthur Dolson and Victoria Amitai (7:45 p.m.)

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

Fire Chief, Brian Pierro

PRESENTATION TO JOHN NIGRO

Jim Oettinger, Recreation Director said that John Nigro was honored on March 2, 2014 with the Andrew Feintuch Award by the Twin County Junior Wrestling League for serving the League with pride and commitment and exhibiting leadership skills to promote the sport of wrestling. The giving of time, effort and good sportsmanship are several of the traits for an award recipient. John is a tireless worker for the program for many years, he grew up in Closter and started wrestling in 6th grade. The entire family volunteers with the tri-town program. He wrestled also in Rochester Institute of Technology. He thanked everyone present for their support.

At this time, Mayor Heymann and Councilman Glidden joined together in presenting a plaque to John Nigro.

Councilman Barad entered the meeting at 7:38 p.m.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF MARCH 27, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 1 was removed by Mayor Heymann; Item No. 13 was removed by Borough Attorney.

Item No. 1: Received 03/19/14, dated 03/19/14 from William G. Dressel, Jr. Executive Director, NJS League of Municipalities, to boroclerk@closterboro.com re Police and Fire Interest Arbitration Task Force Report Issued (see also 1f M.L. 3/20/14)

Mayor Heymann explained the bottom line with this issue is that although the original legislation has already expired, it has not been renewed as of this moment. The process was that the Legislature passed a bill that was quite onerous and did not keep control of the increases for many reasons and the Governor vetoed it. She said the Legislature went back to work on it; and the Senate took the Governor's recommendations and passed a bill that is appropriate for the needs; and the Assembly has not even discussed it yet; and they have not called it to the table. She wished to make this information known for all those who are concerned about the issue.

Item No. 13: Received 03/27/14, dated 03/25/14 from Mauro Squicciarini, 8 Gaynor Avenue Nesconset, NY 11767 re Enclosed Court Order reflecting legal ownership of Block 1810, Lots 6 & 7 on Hartford Boulevard; AND requesting removal of the fencing blocking access to Hartford Boulevard

The Borough Attorney explained that approximately 8 years ago this gentleman filed a lawsuit against the Borough asserting ownership of the property, which is a paper street on Hartford Boulevard off of Piermont Road that is right next to the Temple (Emanu-El) conservation area. At that time, it was found that he did not have legal standing to sue because he was not the official owner of it so that case had been dismissed. Mr. Rogan explained that, by virtue of this letter received in the Mail List, Mr. Squicciarini did attach an order from Judge Contillo where the court has now found him to be the fee owner of that property; and he is requesting that part of a fence installed there be removed because it is blocking access to his property. The Borough Attorney informed he reviewed the file and requested the Borough Engineer join him in viewing the subject area.

Mr. Rogan explained he drafted a letter to the Temple requesting they review their measurements; and if they are accurate, remove that 10 foot portion of fence in question; and upon governing body authorization, he would forward same. He voiced his understanding that the Temple may have simply gone a little too far down Piermont Road with their fence. The Borough Attorney advised that although it is not the Borough's fence, it was installed on a right-of-way area; therefore, he feels this is the best way to proceed. Although that portion of property is heavily wooded and slopes down, it is Mr. Squicciarini's property and the fence is blocking access to it regardless of what may or may not be able to be done on that property in the future.

In answer to Dr. Barad, Mr. Rogan explained that over the course of the past 8 years, this gentleman has straightened out that he is the fee owner of said property; and, therefore, he does have the legal standing to make this request. Borough Attorney requested that in open session if there are no objections, he will ask for authorization to send the letter he drafted to the Temple's Board.

b. MAIL LIST APRIL 3, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 6 was removed by Councilman Glidden; Item No. 14 was removed by Borough Administrator.

Item No. 6: Received 04/01/14, dated 03/31/14 from James P. Barsa, Mayor, Borough of Norwood re Thanking the Governing Body Members for their offer of assistance during their crisis (fire at DPW Complex) and expressing sincere gratitude for concern and compassion

Councilman Glidden informed he had personally gone to the site and described it as a devastating loss. The question arose as to whether Closter has similar vulnerabilities; and Mr. Glidden asked if Chief Kaine was aware of how the fire was started. The Chief informed that it is still under investigation.

Superintendent of Public Works, William Dahle, III explained that our DPW buildings have been sealed and have alarm systems in place. Councilwoman Latner said she read somewhere that the fire was potentially started by the reflection from the traffic lights. Fire Chief Brian Pierro voiced his understanding that was originally what they thought but as far as he is aware the fire is still under investigation. Councilwoman Latner thanked all who assisted in Norwood's time of need.

Councilwoman Amitai entered the meeting at 7:45 p.m.

Item No. 14: Received 04/03/14, dated 04/01/14 from Robert A. Abbatomarco, Executive Director, Open Space Trust Fund, County of Bergen Department of Planning and Economic Development, to Richard J. Sheola, Administrator, Via Certified Mail; c: Mayor Sophie Heymann re Letter informing of cancellation of the following 2011 Bergen County Open Space Trust Fund Municipal Program Park Improvement Grant Awards with expiration date of 11/2/13 due to lack of Borough progress and response re same: Memorial Park Improvements - \$12,250 Grant Award; Schauble Park Improvements - \$27,500 Grant Award (Copy to Recreation Commission)

Borough Administrator referenced this item and said he dropped the wicket on this one. Mr. Sheola explained as follows: I had been working on this for a while; it was on the corner of my desk and the file got buried and honestly was forgotten about until the letter came through last week; and since that time I've been working with the folks in the finance office. Most of the information has been gathered; I've contacted the company that did the installation of the equipment back in 2010 and 11 and they are reviewing the certification that they need to file. I'll probably be out tomorrow taking the photographs that are required; and if all goes well, be filing all of the documents by the middle of next week. I've had a number of email and telephonic conversations with Mr. Abbatomarco and he is aware that we are moving forward and I apologized to him also for dropping the ball.

Councilman Glidden asked if this means we are reapplying for the same grants. Mr. Sheola explained we are not reapplying; the documentation that they need is for the reimbursement of up to 50% of our costs for the park equipment.

At this time, Mayor Heymann asked if the Administrator wished to address the second letter received because that duty is upon us to not reapply, but "reword". Mr. Sheola agreed and explained as follows: "There is another grant that we had that I really wasn't even following for matching funds of \$68,000 from the County. One of the aspects, if I remember correctly, it was for

improvements at three parks but it did not include the, if I remember now, the walking path at Schauble which was done in conjunction with some of the other work there; so there will be a Resolution on the Agenda for the meeting of the 23rd asking the County to amend the original application which goes back to I believe 2010 to include the walking path at Schauble. Loretta – I’ll verify that it was the walking path at Schauble for you tomorrow – I’m going from memory. And then if that is approved by the Council that will be part of the package that goes to Bergen County in a separate submission”. Mayor Heymann thanked Mr. Sheola for the explanation.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of April 9, 2014)

Councilman Barad referred to Item Nos. 12, 15 and 18; Borough Attorney referred to Item No. 16; Borough Clerk referred to Item No. 19a. and asked that it be included on the Consent Agenda; Councilwoman Amitai referred to Item No. 24.

12. RESOLUTION ENDORSING SUBMISSION OF THE 2013 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATING CAROLE DACEY TO ENSURE PROPER FILING OF SAID APPLICATION (Requested by Recycling Coordinator 3/24/14)

In answer to Councilman Barad, Borough Administrator advised that the application is filed each year; and based on same, money is received from the State each year based on the report that has been submitted. Mayor Heymann said that it is not only the recyclables we collect but also the amount collected by private carters.

15. RESOLUTION MEMORIALIZING REFERRAL OF HISTORIC PRESERVATION NOMINATION REPORT FOR BOROUGH HALL TO THE CLOSTER PLANNING BOARD MADE AT THE REGULAR MEETING HELD 3/26/14 - TO BE PREPARED BY BOROUGH ATTORNEY

In answer to Councilman Barad, the Borough Attorney clarified that this Resolution memorializes the vote taken at the last meeting and noted the report has already been sent (to the Planning Board) and this provides for a paper trail.

16. RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-001-006, NORMLIN, INC., D/B/A RUDY’S PIZZA, FROM 71 CLOSTER PLAZA TO PREMISES LOCATED AT 121 VERVALEN STREET (Notice of Intent to Transfer published in The Record on 3/27/14 and 4/3/14)

Borough Attorney noted that the applicant has requested that this resolution be carried to the meeting of April 23, 2014.

In response to Mr. Glidden’s request regarding the status of Cask 171, Mr. Rogan explained that the person to person transfer resolution was removed at the last meeting. He said that since filing the application, the applicant was evicted from the building; therefore, the application needs to be amended to be pocketed and turn same over to Patrolman Foley. Borough Attorney said that there has been discrepancy in the name of the applicant. Borough Clerk said the license has been turned over to her and the applicant would be coming to her office the following day.

18. RESOLUTION AUTHORIZING THE MEMBERSHIP IN A SHARED SERVICES COOPERATIVE WITH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) AND AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A MEMBERSHIP APPLICATION (Received from Administrator 4/2/14)

Borough Administrator explained that the Alliance is a nationwide cooperative similar to US Communities and allows us to broaden our selection of vendors. It is similar to the Riverside Cooperative in which we participate. Mayor Heymann said the Riverside Cooperative bulks particular items for bid whereas the national cooperatives charge the vendors not the users. There is no obligation or cost to the Borough to use the cooperative.

- 19a. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2012 & 2013: RAHAMIN EVAR V. CLOSTER (Received from Borough Attorney 3/28/14/ Certification of Funds received from Temporary CFO 3/31/14)

The Borough Clerk requested this item be added to the Agenda as a result of extenuating circumstances. She noted this was received from JoAnn Riccardi on 3/28/14 and we did receive Certification of Funds from the Temporary CFO; therefore, she requested approval for same to be placed on the Agenda.

24. MOTION GRANTING/DENYING APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING HAWKERS AND PEDDLERS LICENSES FOR CALENDAR YEAR 2014 PER BOROUGH CODE CH. 127 (Received from Chief of Police 4/2/14):

- 1) PERMIT NO 2014-04 – JAMES HARDIE BUILDING PRODUCTS/INFO ON SIDING:
 - A. FOR JOSEPH P. CANN, 71 JACKSON ST., APT. 3F, HOBOKEN, NJ 07030
 - B. FOR SEAN P. MCSWEENEY, 1065 BLANCH AVE., NORWOOD, NJ 07648
 - C. FOR PETER C. CAMPANELLA, 11 BLADES RUN DR., SHREWSBURY, NJ 07702
 - D. FOR RAINIER ANTHONY FENELL, 1612 HOLLAND DR., SOMERSET, NJ 08873
- 2) PERMIT NO. 2014-05 – W. REID PAINTING AND PRESSURE WASHING/PAINTING AND PRESSURE WASHING SERVICES, FOR WILLIAM REID, 400 RIVERFRONT BLVD. #125, ELMWOOD PARK, NJ 07407
- 3) PERMIT NO. 2014-06 – POWER HOME REMODELING GROUP/MARKETING FOR HOME REMODELING:
 - A. FOR KYLE J. GOINS, 198 ARBOR ST., CRANFORD, NJ 07016
 - B. FOR ANTHONY PAONESSA, 21 NOTTINGHAM CT., RINGWOOD, NJ 07456
 - C. FOR CHRISTOPHER M. LEVA, 9 SHIELD RD., MILLSTONE TWP., NJ 08535
 - D. FOR ADRIAN G. ALEXIS, 27 FLORIDA ST., MAPLEWOOD, NJ 07040

In answer to Councilwoman Amitai, Police Chief advised that this is the first time for these three companies and background checks have been done. Councilwoman Amitai expressed her objection to having peddlers and hawkers knocking on doors. Borough Attorney said there is a current ordinance with requirements that appeared to have been met. If the Council wishes to, the Council committee can discuss same for the future. Councilman Barad said at this point the Police Department has reviewed the applications and Police Chief explained the application procedure where the individuals indicated have been checked out and have no criminal record. Borough Attorney said to deny an application, there must be objective criteria.

25. MOTION APPROVING THE FOLLOWING APPLICATIONS AS NEW MEMBERS OF THE KNICKERBOCKER HOOK AND LADDER COMPANY (Completed applications received 4/4/14):
- a. GARY J. CERBASI
 - b. RYAN J. LEDERMANN

Mayor Heymann congratulated the Fire Chief on the two new members; and Borough Administrator noted that Gary Cerbasi is a DPW employee.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE PERSONNEL MANUAL – The Borough Attorney referred to Item No. 8c on this evening’s Agenda and noted if approved for adoption, we will be able to certify to MEL that we have complied with their requirements before the May 1st deadline.

2) STATUS REPORT RE CELL TOWER – Mr. Rogan reported the Sprint Agreement has been completed; and we are awaiting fully executed copies from the representative. T-Mobile has informed us that we should have their Agreement back by the end of the week. AT&T is running behind but it is in the process of being completed. Once that is complete, we can address Crown Castle’s request for a refund where they inadvertently paid us towards the end of last year. Mr. Rogan noted he spoke to them and he wants to be sure AT&T is on the tower before processing their request because those companies are affiliated with each other. He wants to make sure they get on the tower because for a time they were using it and not paying us; so as long as they sign the agreement, which contains monetary provisions, then he is okay with Crown Castle getting reimbursed.

3) REPORT RE PREPARATION OF SPECIFICATIONS FOR SOLID WASTE TRANSFER SERVICES (RM 3/26/14) – The Borough Attorney reported he will compile a draft in the next week or two for review by the Superintendent and Administrator. We may have some questions before it is finalized. At this time, he requested the DPW Committee start discussing recycling and Host Community and said he would be happy to attend those meetings.

4) REPORT - Regarding Tax Appeals, Mr. Rogan reported that, as of today, there are 52 residential appeals filed and 4 commercial. That is significantly less than this time last year although there could still be some that were filed which we have not yet received. He recalled at this time last year we had 100 appeals. In answer to Councilman Barad, Mr. Rogan explained it is a mixture of new appeals and reapplied for appeals; and there are a lot of people that just simply appeal every year. He said typically when someone buys a house, they look at their tax bill and realize they paid less than the tax bill; so they will appeal; and usually it is with good cause because it is hard to believe a house could be on the market at that value and then sold for less. So it is hard to value that it is worth more. The Borough Attorney explained there are two ways to file: to the County Board of Appeals with a \$50.00 fee; and the other way is directly to the Tax Court of New Jersey, which typically commercial or very expensive homes will file. Right now there are 6 residential and 6 commercials filed in that manner which is more than we had last year. Mr. Rogan said typically these homes have more exposure because their property is more valuable.

The Borough Attorney reported for this calendar year, we do have a few commercial appeals that are pending for the past 2-3 years that are getting ready to be tried. A number of towns over the years have had significant problems with their tax appeals and have had to raise taxes as a result. Fortunately we have been able to monitor it and keep it level so as not to get hit

- 6. PROFESSIONAL REPORTS (Continued)
 - A. BOROUGH ATTORNEY (Continued)
 - 4) REPORT (Continued)

all in one year. Mr. Rogan said we will address any with some merit and offer an adjustment to be made in the future as opposed to us paying them back and taking it out of the current budget. In answer to Dr. Barad, the Mayor and Borough Attorney agreed and affirmed the timing of the Borough's revaluation was perfect in response to the market dive. In response to Councilwoman Amitai, Mr. Rogan explained that when an appeal is filed, not much information is provided at the onset; so it is not really possible to estimate the financial impact the 12 appeals could have in totality. He advised the Borough could have potential exposure on a few of the commercial appeals filed as Closter Plaza did file and they are in a position where they have a lot of vacancies which are in a sense self-imposed and have been for years. We have now approved a plan for them to rebuild so there is potential there for exposure over the next two years or so. In answer to Dr. Barad he explained there are two ways to assess commercial properties: one of which is by the number of rentals, and over a one year period, it's not too bad; but over a two or three year period, it could be problematic.

At this time, Councilwoman Amitai questioned if there was any update on Village School. The Borough Attorney advised he has been in contact with David Watkins regarding a revised contract that has been going back and forth. He said the Mayor, Michael Hakim (COAH Planner) and himself had a conversation today where Mr. Hakim reported he had a conversation with what was left of COAH to get ideas on how to amend the contracts. He gave us some ballpark dollar figures as to what COAH would be comfortable approving per unit; therefore, we need to rework our numbers a little to get at least an additional one unit. Hopefully, we will have a draft agreement that COAH can review in the next two weeks so this project is moving along.

At this time, Councilwoman Amitai requested an update on the Brooks Farm issue. The Borough Attorney noted he did want to speak about this in Closed Session but he could report that there will be a hearing before Brian Smith, the attorney for the State Agricultural Board on 5/6/14 to take testimony. Within the last two weeks, the residents group obtained a traffic report that they will submit; but there are a few items about this he would like to discuss in Closed Session.

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 the contractor completed the guide rail and reflective work and has some minor repairs to make in the warmer weather after which the project will be complete.
- 2) REPORT RE ENGINEERING/INSPECTION SERVICES FOR (2013) BARRIER FREE CURB RAMP INSTALLATIONS (Per 7/15/13 proposal \$12,050/Approved RM 8/14/13) – Mr. DeNicola reported this job has been completed. The contractor has to do the remedial actions at two corners. They have only been paid 50% because only 90% of the work is done.
- 3) REPORT RE INFORMATION SESSION WITH HICKORY LANE RESIDENTS (Requested at WS 3/12/14) – The Borough Engineer reported he gave the Administrator a set of plans this evening; and the proposed date is 5/14/14 around 6:30 p.m. with

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

the residents. They will be notified by regular mail and they can come in and see what it is we plan to do as far as construction so there won't be any surprises or anything.

4) REPORT – Mr. DeNicola reported the only item he has to report on is the remediation at the DPW yard. He noted Boswell was authorized a few months ago; and their investigation has revealed that a lot of the wells are damaged and need repairs. He submitted proposals to the Borough for the repairs which consist of putting new castings on wells because, as of right now, they are open and contaminants can get in there. They feel it would be best to get this completed in a hurry; and he hopes approval will be granted on the next Agenda. Councilman Glidden asked if a Resolution could be passed this evening granting authorization; and Mr. Sheola informed he did not have the file with him; and asked if the Borough Engineer had the numbers on him. Mayor Heymann informed it would be included on the next Agenda. Mr. DeNicola informed Mr. Glidden that it is not really a hazard but should be completed sooner rather than later.

At this time, Councilman Kashwick questioned if the curb ramps were being completed because they will be resurfacing the roads this year; and the Borough Engineer affirmed same.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS 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

reported he received word from the Joint Insurance Fund that they will not be covering the costs for remediation. He informed he would be sitting down with the Borough Engineer to come up with some potential uses for the property. We have received correspondence from AT&T requesting to put another cell tower up there; and he voiced his recollection that he forwarded that information to Dr. Barad. AT&T has been inquiring, so he requested some time to speak with Dr. Barad regarding same.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S): The Borough Administrator reported at this time we have received no certifications for the following insurance items:

a) Mail List requests:

1. American Cancer Society (27th Annual GWB Challenge) to take place 6/8/14 (10. M.L. 12/26/13)
2. JFS Wheels for Meals Bike Event to be held 6/15/14 partially through the Borough from 7:00 am to 12:30 pm (14. M.L. 3/27/14)

3) STATUS REPORT RE ACQUISITION & INSTALLATION OF EMERGENCY GENERATOR AT THE **CLOSTER PUBLIC LIBRARY** (WS 1/8/14) – The

Borough Administrator reported this purchase is included in the 2014 Capital Budget, which he plans to discuss further shortly.

4) STATUS REPORT RE PREPARATIONS OF BID SPECIFICATIONS FOR EXTERIOR REPAIRS AND ROOF REPLACEMENT AT BOROUGH HALL (Approved RM 3/23/14) – Mr. Sheola reported that at this time five (5) bid

packages have been picked up for the scheduled bid opening to be held 5/1/14. He said there is a non-mandatory preconstruction meeting next Wednesday (4/16/14); and once the bids come in, they will be reviewed by the architect. After that, with review and approval from the Borough Attorney, if the bids are found to be compliant, we hope to make an award at the 5/14/14 meeting.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

5) REPORT RE CAPITAL PROJECTS TO BE INCLUDED IN THE MUNICIPAL BUDGET (WS 3/12/14) – The Borough Administrator informed last week he sent an email to the Council with an overview of the Capital Budget items for 2014; and he said he would like to take a few minutes to review same. He voiced his opinion that his memo was pretty exhaustive in outlining all of the projects and funding sources. Mr. Sheola noted the many pages of departmental requests were attached to his memo; and he asked if they could discuss same. Borough Administrator noted the Police have requested to replace two patrol vehicles which is the same request they made in 2013.

At this time, the Borough Clerk questioned if everyone had received this report; and Mr. Sheola informed he emailed it to the Council on 3/26/14. Dr. Barad questioned why it was not attached to their Agenda. Ms. Castano noted same was not attached because she had not received a copy. Mayor Heymann voiced her understanding that if we put this item on the next Agenda that none of this would happen before that time anyway. Mr. Sheola clarified that nothing would be purchased and said that he wanted to get his drafted bond ordinances to Bond Counsel as they have been sitting on his desk waiting to go. He explained there are some time constraints with respect to some of the vehicles that are on State contract where the contract expires in early June, so the timing is a little critical. Mayor Heymann voiced her opinion that April 23rd is a long way from June.

Mr. Sheola said the first reading would take place on April 23rd and the second reading would be the second meeting in May (5/28/14) so we would be very tight on the June 1st contract expiration. The Mayor said we don't have this in front of us anyway, so those dates can't be pushed up anyway. He agreed and noted this is just his timeline. Councilwoman Amitai asked that this report be redistributed. Councilman Barad requested it be attached to the next Agenda because it is easier to reference that way as it is many pages.

The Borough Clerk explained to Mr. Sheola that she thinks there is a little bit of a variable because the next meeting is April 23rd and the first meeting in May is 14th so we have a little bit of extra time and could possibly get it done in that timeframe, if they expedite the advertisement to Saturday 4/26/14. Councilman Glidden asked to make sure these numbers get in the Agenda so they can refer to them. Mr. Sheola said he would make sure the Clerk has the entire 52 page report with funding sources and explanations and also the draft ordinances. He said he will have to send the ordinances off to Bond Counsel so he wanted to make everyone aware of that.

6) REPORT – Mr. Sheola said as everyone knows our Construction Code Official will be going on vacation effective Friday, so we need to appoint an acting Construction Code Official. He recommended that Joe Zavardino, who holds all of the necessary licenses, be appointed as Acting without extra compensation in the absence of Michael Sartori. In answer to the Borough Attorney, he explained that Mr. Sartori would be in the office on April 11th; therefore, the effective date for Mr. Zavardino would be as of April 11th; and he would like to leave it open-ended because he is not exactly sure when Mr. Sartori will be back.

B. BOROUGH CLERK

1) STATUS REPORT RE 2014 APPOINTMENTS – Ms. Castano reported outstanding appointments are being maintained on the Agenda.

2) STATUS REPORT RE 2014 OATHS OF OFFICE – The Borough Clerk reported there has been no change since the last report; and as a final desperate effort, she will be providing the Liaisons with the names of the individuals who have not signed an Oath of Office accepting their appointment for follow through. If we do not receive their oath back, they will have not accepted their appointment; and it will be placed back on the Regular Meeting Agenda for

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

4/23/14. Ms. Castano reported there are fifteen (15) Oaths outstanding; and she reminded that if someone is employed by the Borough by virtue of appointment, and has not returned their Oath of Office, they should be told to hurriedly return their Oath.

3) STATUS REPORT RE 2014 LICENSES - Ms. Castano reported 2014 Licenses are current. Regarding Liquor Licenses, renewals are forthcoming for this month and the Clerk's office always indicates that at this time, no new applications for transfers will be accepted until such time as renewals have been completed for calendar year 7/1/14 to 6/30/15.

3) STATUS REPORT RE 2014 LICENSES (Continued)

There are currently two (2) Place-to-Place Transfers in progress: Rudy's, which was originally intended for this meeting as they were supposed to be out of their current location by April 1st but there are some minor utility delays. Therefore, they voluntarily postponed the transfer with the hopes they will be resolved by the second meeting. Sear House is in progress for Expansion of Premises to include rooftop dining. We are awaiting approval from the Construction Code Official and all other approvals have been received.

4) STATUS REPORT RE 2014 MEETING DATES – The Borough Clerk reported there have been no changes; but the Board of Health will be holding a Special Meeting to conduct a public hearing on their ordinance amending fees on Thursday, 4/17/14 at 3 p.m. due to the holiday.

5) STATUS REPORT RE ELECTIONS – Ms. Castano reported on Friday, 4/4/14, she e-mailed and mailed the Election Copies to the Deputy County Clerk's Office/Election Division for Mayor and Council and County Committee for those Petitions which were filed in her office prior to the deadline of 3/31/14 @ 4 p.m.

Upcoming Election Dates are as follows:

Primary: June 3, 2014 from 6 a.m. to 8 p.m.

General Election: November 4, 2014 from 6 a.m. to 8 p.m.

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

a. MCANJ Conference – Borough Clerk attended three (3) particular sessions covering updates for Liquor License procedures; Raffles and Bingo Applications; and Financial Disclosure updates.

As to the Financial Disclosure Updates, Ms. Castano explained that the Division really rolled up their sleeves and worked hard on this although her fellow clerks had a barrage of questions to ask about procedures after the demonstration was provided. She noted they were not given any handouts and only viewed a demonstration on a screen but they assured everyone that everything will work like clockwork. The DLGS will be holding several webinars in the coming weeks and will have something for the Clerks that was more interactive than just the demo we received. (We signed up for the Webinar to be held 4/14/14 from 10 a.m. to 11 a.m. and should have more information to report after that time.)

One of the major changes is that each person is provided with a PIN number that is unique to them to use for filing. The problem, at this point in time, is that they want the Clerks to be very firm with the Roster they will have requesting those persons to file Financial Disclosure Forms. Ms. Castano asked if the Borough Attorney had received any feedback from the Governing Body as to which individuals they would like to add or remove from their original Roster in response to the memo he sent a few weeks ago. Mr. Rogan voiced his opinion that anyone in the Building Department should be required to file because they are not necessarily required to do so at present; and that can be potentially dangerous because they are at the ground level in terms of dealing with the public; and we did have an incident. The first thing Mr. Rogan looked for during his investigation was a Financial Disclosure Statement, and it was revealed there was no requirement

- 7. REPORTS (Continued)
 - B. BOROUGH CLERK (Continued)
 - 6) REPORT (Continued)

for that individual to file. Mr. Rogan advised this is a change they should be seriously considering. On the other hand, there are some positions the Mayor and Council may feel should not need to file because there is no real concern of conflict. He offered to circulate his previous memorandum again for their review. In answer to Dr. Barad, the test is that the State is leaving it up to the Borough with the exception of a few positions that must file; and the Attorney General has deemed a few as required to file as well. They take no position in some cases because there are positions unique to each town. For example, all members of a Zoning Board would have to file because there is potential that an applicant coming before the Board could get preferential treatment as a result of employment or family relation to an individual on the Board. It would be the same for commissions and committees; the Historic Preservation Commission under certain circumstances does control the application, so in certain circumstances they can hold something up and refrain from recommendation which will affect the outcome; so that is one of the criteria. Mr. Rogan informed he would re-circulate the memo; and it can be discussed in committee or in front of the full Council. Dr. Barad voiced his desire to review same with the Ordinance and Legislative Committee.

The Borough Clerk reported the intended filing deadline is May 15, 2014; and the Division was to send out a Local Finance Notice offering guidance but she thinks the Webinar is really what they are concerned about right now as far as showing the steps.

Mayor Heymann voiced her concern that we are taking this very seriously in Closter in weighing who needs to be included and who does not. The State has no comparable limits and *The Record* last week had an article which showed gross violations of conflicts of interests and apparently it is legal on the State level. Mrs. Amitai voiced her opinion that we are not going to have that here and Mayor Heymann said she wished to point out that our taxpayers are also taxpayers of the State and she wanted everyone to be aware of the gross omissions.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported the Department will be participating in the DEA Drug Takeback program on 4/26/14 from 10 a.m. to 2 p.m. They will collect expired and unused drugs no questions asked; but no needles will be accepted. The event will be advertised in various media and on various bulletin boards in town.

The Chief reported we received reimbursement from the Drunk Driving Enforcement Fund for the July 2012 – June 2013 patrols in the amount of \$5,969.16.

Chief Kaine reported he sent an email yesterday notifying them that Northern Valley and Old Tappan Regional Schools were placed on lockdown and the Bergen County Sheriff's Department did sweeps of both schools simultaneously with canines. At Demarest there were a couple of hits on lockers and cars in the parking lots for students; and that is being handled by the (school) administration and Demarest Police Department which assisted. In answer to Mrs. Amitai, he explained there has not been a random sweep in 5 or 6 years; but this came at the request of the Chiefs (of Police) and Superintendent Nagy.

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

At this time, Chief Kaine suggested Closter has one of the cheaper Hawkers & Peddlers fees at \$100 per application and we could consider raising the fees to \$500 as other towns have in the hopes that will slow down the applications coming in.

Chief Kaine reported the Department has been very busy; and they executed a search warrant at a house on Piermont Road last week that yielded just under 5 lbs. of marijuana. The Detectives had the house under surveillance for a few weeks and they made 4 arrests coming out of the house which led to the search warrant. Unfortunately, there was no cash, so they couldn't have any seizures. The Sheriff's Department assisted with the canines in the sweep.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS: Mayor Heymann reminded that the Administrator reported on the grants that had been overlooked earlier in the meeting; and she is fairly certain we will be able to recoup all of the money applied for.

Mayor Heymann reported a small grant was applied for on behalf of the Historic Preservation Commission for Bobbie Bouton-Goldberg. The Mayor informed she had no other updates regarding grants to report.

a. FILED

1. 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

2) REPORT – Mayor Heymann circulated a booklet which the Shade Tree Commission is receiving for free and will be handing out to youngsters.

Mayor Heymann referred to a letter received from the Borough of Tenafly announcing a run they are co-sponsoring called the Rubin Run which is part of the Mayors Wellness Campaign that both Boroughs are a part of. Mrs. Latner voiced her understanding that the run takes place on Mother's Day for about 4 hours in the morning.

The Bergen County Board of Agriculture is celebrating its 100th Anniversary of the Cooperative Extension which will be taking place on Saturday, 5/3/14 from 2 p.m. to 4 p.m. at Secor Farms on Airmont Avenue in Mahwah.

Mayor Heymann referred to an article in *The Record* on the history of the Palisades which she felt was exceptionally complete that appear on 4/8/14. In *The Northern Valley Press* there was an article by Maria Kim called "Appreciating Closter"; and the Mayor said she thought everything Mrs. Kim said was lovely.

7. REPORTS (Continued)
 - D. MAYOR (Continued)
 - 2) REPORT (Continued)

The Mayor informed she was collecting information for a newsletter that will be published on the web. She received a certain number of articles and has reached out to everyone for more on their Committees and Commissions with a deadline of 4/15/14. She hopes to obtain more information. In answer to Councilman Glidden, the Mayor affirmed she received information from the Recreation Commission.

Mayor Heymann informed she was recently with Sheriff Michael Saudino, whose office provided inmate labor assistance to municipalities; we have once again submitted a letter for assistance; and the Sheriff has promised he would send inmate crews to help repaint Borough Hall and to clean up our parks and woods.

At this time, Mayor Heymann wished to announce some changes in the Memorial Day Parade. The assembly time is 9:30 a.m.; and kickoff will be promptly at 10 a.m. She explained they are looking for more participation from organizations in town and they hope to have the same nice turnout they had last year. She noted they are looking for more musicians and in particular a bagpipe player and asked everyone to spread the word. She reminded everyone is invited to a complete lunch at the Elks Lodge. The Mayor affirmed we have the High School band this year in addition to Tenakill School. One of the suggestions made by the American Legion was to find a way to cooperate with Haworth and Demarest in our district because they do not have Legion participation like we do. There are several ways of sharing the parade so she is in talks with those Mayors discussing possible future options. Councilman Glidden questioned if any consideration was given to moving up the start time of the parade. Mr. Sheola explained that the High School has another parade to participate in after ours so timing is critical for them; so only the Tenakill School Band will be staying for the memorial ceremony. The Mayor said this is one of the reasons that we may want to cooperate on the parade in the future so then we will always have the high school band.

Fire Chief Pierro clarified that a time for the ceremonies has not yet been determined. He also noted the High School band has committed to Haworth; so after they are finished in Closter, they have to get bused right over to Haworth to kickoff their parade. In answer to Dr. Barad, the Mayor explained the parade is traditionally sponsored by the Elks and American Legion; the Borough helps by coordinating and financing. He recalled that at one time communications were lacking and he was wondering how things were going. Chief Pierro noted it was tough last year being shorthanded and trying to get things together last minute piecemeal but he feels that this year things are going in a better direction. Chief Pierro noted the route will be the same as last year, which is the original route. He reminded the altered route 2 years prior was not done by decision of the Elks.

8. OLD BUSINESS
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

Dr. Arthur Goldberg, (75 Harvard Street), referred to the Squicciarini letter relative to the fence removal which he explained is not a simple matter. The fence was illegally and improperly built by the Temple across a Borough Street; and past governing bodies have not truly addressed the issue; and in Court, Judge Harris said that since the fence was improperly put across a Borough street, the Mayor and Council can remove same at any time. There are two elements involved with the property: one is access to Mr. Squicciarini to his own property; the other is the path that that opens up because if you know the site, to which he will be most happy to accompany any member of the Council, it gives access straight through to the west to the Closter Nature Center; it would also have access to the parkland property and playground area. Since the entrance to the property is elevated, there is a safety issue. The metes-and-bounds were incorrectly done by the Temple; and 8 years ago the Environmental Commission adopted a resolution to have the fence removed. He expressed support for the removal of the fence to gain proper and safe access to the property, which would be a positive site for the residents. The County had decided to elevate the sidewalk 5 to 10 feet, and he proceeded to describe the property. Councilman Barad said that taking down the fence is one thing but providing walking access from the sidewalk is something else; and Dr. Goldberg suggested establishing a sub-committee on same.

Steve Isaacson, 97 Columbus Avenue, said Red and Tan is canceling more bus routes to the bridge and questioned why New Jersey Transit is not being used. Mayor Heymann said Red and Tan is not canceling any buses going downtown but are canceling all buses going to the bridge from this area. She said she has contacted State legislators on this matter. They have been looking for another bus company to cover the routes.

Mr. Isaacson referred to road repairs and maintaining the pothole-ridden Closter Plaza; and Borough Attorney said the Plaza was only obliged to maintain the cut-through. Mayor Heymann said that she had been assured by Kevin Kennedy, who is in charge of maintenance, that the repairs would be made.

Relative to door-to-door solicitation Mr. Isaacson cited a visit to his house from a contractor who said he was doing siding work in the neighborhood; and he objected to this type of solicitation until 9 p.m. in the evening. He noted that at the Planning Board meeting, he suggested renting out the parking lot at the Swim Club to contractors in order for the Borough to make money and remove trucks from the residential area. He noted that the Chamber of Commerce is planning to install bike racks and he requested that the Borough waive fees and permits.

Janet Lukach, 290 Durie Avenue, referred to the vegetative waste pick up and the lack of knowledge by the public that same would be eliminated. She felt that the motion violated the Sunshine Law. She expressed support for the return of the vegetative waste pick up by the Department of Public Works citing the needs of residents that require the service. The lack of service to homeowners without landscapers is discriminatory. Borough Attorney said he would review the action taken on 11/13/13. Mayor Heymann said this is a work in progress and we are trying to satisfy the needs of all of the residents and the State who does not want grass to be collected. Borough Administrator would be reviewing the matter with the DPW. Mayor Heymann noted that same was not indicated on the calendar as it was still an open issue; and Councilwoman Latner said the matter would be discussed at the next DPW Committee meeting.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 9, 2014 - 7:30 P.M.

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 9:20 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on April 17, 2014 for approval at the
Regular Meeting to be held
April 23, 2014

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held April 23, 2014
Consent Agenda Item No. 24b