

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – FEBRUARY 26, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:24 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

The following persons were present;

Mayor Sophie Heymann  
Councilpersons Alissa Latner, John Kashwick, David Barad, Arthur Dolson and Victoria Amitai  
Borough Administrator, Richard J. Sheola  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola

The following persons were absent:

Councilman John C. Glidden, Jr.

3. PUBLIC HEARING @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:  
RE: GUIA v. BOROUGH OF CLOSTER - APPLICATION FOR APPORTIONMENT OF TAXES  
(7. M.L. 1/9/14)

Mayor Heymann declared a Public Hearing.

Daniel Shapiro, Esq. representing Benjamin Guia appeared before the governing body and explained that on behalf of Mr. Guia, he filed an action in Superior Court which was subsequently moved to Tax Court seeking an apportionment of the taxes related to 295 Closter Dock Road. The Judge remanded the case to the Council based on his review of the statute, which he proceeded to explain. He went on to explain the agreement that was entered into by Mr. Guia, which indicated that the Borough had intended to make the property a shoppers parking lot. The easement indicated that the parties of the agreement would have a reduction in real estate taxes and the portion of the easement is approximately 52% of the lot, the taxes of which would be the responsibility of the Borough. An entrance would be opened onto Mr. Guia's property and Mr. Guia advised the town that same was not acceptable without a further agreement. Instead of reducing the taxes by the correct amount, the Council reduced same by 10% which was a misinterpretation of the agreement. He had presented this information to the Court citing the governing statutes, which are also included in the easement; and the remedy being sought is for the Council to direct the Tax Assessor to apportion the taxes in accordance with the easement as drafted. In addition, our expert agreed with our position after reviewing the language in the easement. No further testimony would be provided.

Borough Attorney said that this was scheduled as an Apportionment Hearing; and the Mayor and Council is not a court, which interprets a contract. He explained the ramifications of an Apportionment Hearing; and he questioned if proofs or case law would be submitted. He also questioned if the attorney had any case law to submit where there was an apportionment by a municipality in anything other than subdivisions. Mr. Shapiro answered that he did not feel it necessary to produce a case since the statute refers to apportionment as he read previously. Borough Attorney cited N.J.S.A. 54:7-1, which determines what action can be taken by the governing body in the apportionment of taxes for subdivisions. Mr. Shapiro further cited N.J.S.A. 54:7-3 as a further proof of what action the governing body may take.

At this time the Borough Attorney swore in Mr. Guia, 39 Hillside Avenue, Cresskill, New Jersey and owner of 295 Closter Dock Road. He explained that the Borough installed a driveway without his permission whereupon he approached the town for an agreement maintaining the entrance in addition to insurance coverage and a tax reduction. The agreement was signed but not honored by the Borough. He noted that the area of 5,800 square feet as listed in the easement relative to the reduction in taxes is very detailed. When he reviewed the easement at a later date, he was reminded of the tax reduction, which he never got after subsequently reviewing the tax rolls. He was offered a credit of \$1,000 for back taxes. Mr. Shapiro noted that procedurally the judge instructed us to make the motion before the Council and put the tax reduction into place.

Borough Attorney referred to another easement, which had been signed by all property owners on that side of Closter Dock Road in 2002; and Mr. Shapiro noted that same was signed before the entrance was installed and was signed by Mr. Guia. Mr. Guia noted that the easement was only for the parking lot; and he also said he donated \$18,000 to the town for said parking lot, which Borough Engineer noted that

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the \$18,000 was for a Planning Board application for the parking lot fund which money, as noted in the fund, is for improvements. Mr. Shapiro and Mr. Guia described the property, parking lot and entrance in question based on the maps submitted to the governing body. Borough Engineer noted that three parking spaces were lost with the entrance; and explained the traffic pattern to access the parking which has been in place for over 50 years.

Mr. Shapiro again explained his client's legal argument in terms of the agreement with the Borough. Borough Attorney said that the agreement mirrors every other agreement with the owners on both sides of the street; and the language and original intent of the easement indicates that the Borough was going to gratuitously pave the entire parking lot. In order to get the funding to accomplish same, the Borough needed to submit easements in 2002 for all of those properties showing that the Borough had the right to pave the parking lot. That never materialized because of Wards and Terri Lee Togs. At some point the Borough installed the driveway to improve the flow with two entrances into the back parking lot; and at the same time acquired the postage stamp property. The parking is used for shoppers and not used by Borough vehicles. At the time of the easement, the Assessor gave a 5% reduction; and thereafter an additional 10% reduction was given all of which is indicated in the Borough Assessor's records since 2002 without a tax appeal. Three parking spaces were lost; and he questioned in what other way the easement has deprived Mr. Guia of his property. Mr. Guia noted that Mr. Morse donated the postage stamp property; and he noted that he did not draw up the dimensions of the easement but is looking for fairness. He asked that the area be measured realistically by the Borough Engineer in his presence and he felt it was not fair that the entrance was created without consulting him. Mr. Shapiro said he would recommend a 42% reduction in the land taxes to his client if the Council was agreeable. Borough Attorney said the Council cannot direct the Assessor to assess the property. The Council can only apportion the taxes and rewrite the easement for the amount of the property that is being used; and we have to justify the reduction to the taxpayers. Borough Engineer noted that according to the map 50 feet or 2,500 square feet of the back portion of the property is impacted by the driveway. Borough Attorney said if the parties agree, the easement could be voided and a new easement drawn up with a tax abatement equating to the size of the easement. Mr. Guia said a review of the tax records from neighboring properties showed there was no reduction indicated and he questioned where this amount would be located on the tax bill. Councilman Dolson said the tax reduction would be indicated on the property record card; and Borough Administrator noted that the land value on the tax bill would be less than the year before. Borough Attorney said that the easement could be amended to only the use of the back corner of the property. Mr. Guia also noted that someone has been using the driveway to access their property; and noted that he would be willing to agree to a new easement. Borough Attorney said that area would be measured out, the Council would then vote to authorize a new survey for the easement and enter into negotiations for a new reduced size easement. The new survey would be reviewed by Mr. Guia; and he is to be present prior to the time the property is measured. Borough Engineer to provide a cost estimate for the measurement and survey.

Relative to the other store owners, Borough Attorney noted that the Borough took three parking spaces from Mr. Guia because of the driveway and he thereby received a reduction.

At this time, Mayor Heymann read the following proclamation and so declared:

- 3a. PROCLAMATION DECLARING MARCH 3, 2014 AS READ ACROSS AMERICA DAY
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 January 22, 2014 and was published in The Record on January 28, 2014 as stated in the printer'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. 2014:1153 "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173, SPECIFICALLY 173-80 TO 173-92 REGARDING SIGNS"

Motion to adjourn the Public Hearing and Adoption of Ordinance No. 2014:1153 to the Regular Meeting to be held March 12, 2014 was made by Councilman Barad, seconded by Councilwoman Amitai and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Barad, Dolson and Amitai. Councilman Kashwick voted no.

- 5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 11, 13 and 14 was made by Councilman Barad, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

6. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$3,491.42 TO JACOBUS & ASSOCIATES, TTEE, FOR RUSSO, AVRAAM & MORELLA FOR BLOCK 2305 LOT 12 (TCJ RENDERED 1/31/14) (Received from Collector 2/17/14)
7. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING PLANNING BOARD ENGINEERING ESCROW FEES IN THE AMOUNT OF \$20.70 TO B&H DESIGN & CONSTRUCTION CO. FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR APPLICATION AT BLOCK 1305 LOT 7.01, 136 OAKLAND AVENUE (Received from Deputy Treasurer 2/18/14)
8. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ESCROW FUNDS IN THE AMOUNT OF \$76.50 DUE TO THE DETERMINATION OF THE BOROUGH ENGINEER THAT THE REQUIRED IMPROVEMENTS HAVE BEEN SATISFACTORILY COMPLETED IN ACCORDANCE WITH CLOSTER CODE CHAPTER 108, ARTICLE II, ZERO INCREASE IN STORM-WATER RUNOFF, TO ONE STOP BUILDERS, LLC FOR BLOCK 604, LOT 6, 9 LOCKWOOD LANE (Received from Deputy Treasurer 2/18/14)
9. RESOLUTION MEMORIALIZING THE APPOINTMENT OF CGP&H REPRESENTED BY MEGAN YORK AS COAH ADVISOR MADE AT THE PUBLIC MEETING HELD FEBRUARY 12, 2014 (Received from Borough Attorney 2/19/14)
10. RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 0207-44-010-004, EESH AND AASTHA CORP., D/B/A MURPHY’S FINE WINES AND LIQUORS, FROM 106 VERVALEN STREET TO PREMISES LOCATED AT 230 CLOSTER DOCK ROAD (Notice of Intent to Transfer published in The Record on 2/13/14 and 2/20/14)
- ~~11.~~ RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION AND OFFICIALS IN TRENTON TO PROPERLY FUND AND IMPLEMENT THE REPAIR AND UPKEEP OF THE PALISADES INTERSTATE PARKWAY (Requested by Councilman Barad WS 2/12/14./Received from Borough Attorney 2/20/14)
12. TRANSFER RESOLUTION NO. 6 (Received from Temporary CFO 2/21/14)

MOTIONS

- ~~13.~~ *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>	_____
P/T CODE ENFORCEMENT OFFICIAL	<u>Youngmin Woo</u>	_____

- ~~14.~~ *POSSIBLE MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS:*

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM EXPIRATION</u>
<b>BOARD OF HEALTH</b>			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>		
<i>Not made at ReOrg 1/2/14:</i>			
<b>BOROUGH HISTORIAN IMPROVEMENT COMMISSION</b>			1 Year 12/31/14
	<u>William Cahill</u>	_____	
<i>Not made at ReOrg 1/2/14:</i>			
Member	<u>Vacant</u>	_____	2 Years Unexp. (Vacant) to 12/31/14
Alternate No. 1	<u>Vacant</u>	_____	2 Years 12/31/15
Alternate No. 2	<u>Vacant</u>	_____	2 Years Unexp. (Slutzky) to 12/31/14

15. MOTION GRANTING APPROVAL FOR AMERICAN DIABETES ASSOCIATION TO CONDUCT “TOUR DE CURE” PARTIALLY THROUGH THE BOROUGH ON SATURDAY, 5/10/14, FROM APPROXIMATELY 8:00 A.M. TO 4:00 P.M., FOLLOWING ROUTE PROVIDED (14. M.L. 1/30/14/Approval received from Risk Management Consultant 2/12/14)

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16. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 2/20/14):

- a. REGULAR MEETING HELD 2/12/14 – NO ABSTENTIONS
- b. WORK SESSION HELD 2/12/14 – NO ABSTENTIONS

17. REPORTS

- a. CHIEF OF POLICE – JANUARY 2014 (Received 2/13/14)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

11. RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION AND OFFICIALS IN TRENTON TO PROPERLY FUND AND IMPLEMENT THE REPAIR AND UPKEEP OF THE PALISADES INTERSTATE PARKWAY (Requested by Councilman Barad WS 2/12/14./Received from Borough Attorney 2/20/14)

Motion amending the first paragraph to read “WHEREAS, the Palisades Interstate Parkway (PIP) is a roadway that is heavily traveled and utilized by the residents of the Borough of Closter on a daily basis but is currently in a state of disrepair” and the last paragraph to read “NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded by the Borough Clerk to the Borough’s neighboring municipalities, the Legislative District and State Representatives, Governor Christie and James S. Simpson, Commissioner, Department of Transportation” was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

18. 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.

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

Borough Engineer requested that the Borough Attorney accompany him when he meets with Mr. Guia. No objections were expressed by Council members. Councilman Barad also agreed to attend.

19a. Motion approving the following Closed Session Resolution at 9:32 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations”; 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 matters which should be within 10 weeks.

Mayor Heymann resumed the Regular Meeting at 9:50 p.m.

20. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:50 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on  
March 7, 2014 for approval at the  
Regular Meeting to be held  
March 12, 2014

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held March 12, 2014  
Consent Agenda Item No. 24a.

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BOROUGH OF CLOSTER

WORK SESSION NOTES – FEBRUARY 26, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session meeting on Wednesday, February 26, 2014. Mayor Heymann called the meeting to order at 7:33 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

The following persons were present:

Mayor Sophie Heymann  
Councilpersons Alissa Latner, John Kashwick, David Barad (7:43 p.m.),  
Arthur Dolson and Victoria Amitai (7:55 p.m.)  
Borough Administrator, Richard Sheola  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola

The following persons were not present:

Councilman John C. Glidden, Jr.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF FEBRUARY 13, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item Nos. 4 and 8 were removed by Councilman Dolson.

Item No. 4: Received 02/07/14, dated 02/04/14 from David M. Watkins, Esq., Attorney for Applicants, to Borough Clerk re Notice of Zoning Board of Adjustment Hearings scheduled for 2/19/14 @ 8:00 p.m. re the following applications: a. Nir Dhan for Block 901, Lot 5, 32 Harvey Street; b. Alice Carpentieri for Block 510, Lot 6, 120 High Street

Councilman Dolson informed he wished to incorporate part of his Committee report (as Liaison to the Zoning Board of Adjustment) into some of the Mail List items. He voiced his opinion that although he may be a bit too conservative, he is concerned this applicant (Nir Dhan) has been living in the residence for two years without a Certificate of Occupancy. The Zoning Board turned him down because of this two weeks ago, he came back with an attorney to coerce the Board and they granted him the variance without the Certificate of Occupancy. In answer to Mayor Heymann, he explained the applicant did work on his property two years ago and did not obtain a CO and now he wants to expand his property and the variance was granted without the CO. The Borough Attorney questioned if the approval was subject to receipt of the Certificate of Occupancy and whether the applicant had previously been fined for not having same. Mr. Dolson informed it is a stipulation to obtain one but there has not been a fine imposed; and the new

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attorney argues that the Board is picking on the applicant now that this came up. Mr. Rogan noted it is a State law that a Certificate of Occupancy is required before you occupy the house; and if the Borough was aware of this issue, we should have taken action at that time. He said even though the Board made the recent approval contingent on the certificate, and it will correct the issue going forward, but for the past, it is a concern. Mr. Dolson informed he voiced his objection that it was inappropriate to entertain this application until the property has been brought up to code. He joked that he now refers to the Board as the “Zoning Board of Approvals” because they’re not adjusting anything anymore; they’re just approving.

At this time, Councilman Dolson referred to Item No. 8 on the same subject matter:

Item No. 8: Received 02/10/14, dated No Date from Mark D. Madaio, Esq., Attorney for Applicant, to Borough Clerk re Notice of Zoning Board of Adjustment Hearing scheduled for 2/19/14 @ 8:00 p.m. re the application of Desan Enterprises for Block 1301, Lots 10 and 11, 170-176 Closter Dock Road

Councilman Dolson said this situation is ironic because the applicant states he could not fulfill the requirements of the conditions of the application because of the bad weather; and he had no money due to lack of rent for the vacant COAH units on the property. He requested an extension from the original six months granted to complete the conditions of approval. In answer to the Borough Attorney, he informed the extension was granted by the Board.

At this time, Councilman Dolson noted there are a lot of requests to install swimming pools. Mayor Heymann informed that Paul Demarest had recently brought this issue to her attention and she wished to comment on same. She explained that when we changed the level of impervious coverage in/around 2001, we did not put in a grandfather clause so anyone wishing to have a patio or a deck or swimming pool had to come before the Zoning Board. She voiced her understanding that this is very time consuming for the Board; and questioned how the Council felt about same. She said everyone who had the available property at that time has lost the rights to use the property as they originally intended.

The Borough Attorney explained that if the owner does nothing to their property, they are automatically grandfathered. He said the zoning philosophy is that you don’t zone property into non-conformance. Mr. Rogan said in 2001 they did not zone it into non-conformance but they made it more difficult to do anything more than they already have done.

Councilwoman Latner asked for clarification of what a request for “a lot” of space. Mayor Heymann explained if someone is adding a small porch, it could be a matter of only a few feet but if they are adding a swimming pool, it could be much more. She further explained that Paul told her it means that just about everybody whose property dates before 2001, unless they have an oversize lot, who wants to add anything to their property has to go to the Zoning Board. Mrs. Latner questioned what the increase in applications for pools is over recent years; and Mr. Dolson said generally over 50% of residential applications are for pools. Councilman Kashwick asked about how many would that equate to and Mr. Dolson said it is about 15. The Borough Engineer voiced his concern that if word is getting around that everyone is getting approvals for everything then everybody is going to apply because they’re going to get it anyway; and that’s a bigger problem. The Borough Attorney agreed this is an issue of concern. Mr. Dolson reminded that in years past he has discussed before the fact that when his house was built it was “legal” with the side yard requirements being 10 and 15 and his house is 12 and 18. The new requirements are 15 and 20; and when he had to repair his roof, he had to go to the Zoning Board to get a variance. The Borough Engineer questioned why he needed a variance for a roof repair if he did not change the footprint of the house. Mr. Dolson said Harold Benel (former Construction Official) had an interesting interpretation of the zoning code.

In answer to Mayor Heymann, Councilman Dolson suggested the Zoning Board could use a combination ordinance with guidance therein because applicants come in and make their presentation thinking it is like court where if the Board likes what they hear they vote in favor. He said the Board is

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getting ready to submit another report and when they do it will be evident the tremendous amount of approvals granted and he feels they are not consistent in their approach and it is unfortunate. In answer to the Mayor, Mr. Dolson said he recommended schooling or replacement or both. In regards to the grandfathering issue discussed earlier, he said he thought a property should be within reason subject to the limiting schedule when the house is built.

Councilman Barad entered the meeting at 7:43 p.m.

Councilman Dolson explained that based on mathematical calculations, you could still be 15 and 20 with a 7,200 square foot lot per the limiting schedule. He noted that the New Milford (Borough) limiting schedule is proportion based. He said the setbacks are static and the side-yards are on a percentage basis. In answer to Councilman Barad, he agreed there is nothing currently in our limiting schedule to protect ourselves because the percentage is the same no matter what size the lot is. On the opposite side of things, smaller lots that build within the limiting schedule will be over on certain requirements because of the percentage.

Mayor Heymann explained for Dr. Barad the earlier part of the discussion and suggested the Ordinance and Legislative Committee consider this matter. The Borough Attorney informed he took notes and would share them with JoAnn Riccardi.

b. MAIL LIST OF FEBRUARY 20, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 9 was removed by Councilman Kashwick; Item Nos. 3 and 10 were removed by the Borough Clerk.

Item No. 3: Received 02/14/14, dated 02/11/14 from Kaoru Kay Yamamoto, Director, International Academy of Arts and Sciences to Mayor, Council President and Recreation Director; c: Jim Oettinger, Director of Recreation Department Request for permission to use Memorial Field, 150 Harrington Avenue, on Sunday, 5/18/14 from 8:30 a.m. to Noon: Rain date: 5/25/14 to conduct IAAS Field Day Event to include children's dances, karate performances, songs and athletic games; anticipated number of attendants is 80 children, 160 parents/adults with 15 school staff; electricity outlet required for CD player - Hold Harmless Agreement attached - Certificate of Insurance - **not included in this correspondence** - to be forwarded under separate cover! (Copy to Glenn Parsells; Copy letter only and original to Jim Oettinger)

The Borough Clerk noted we received the Hold Harmless Agreement and the Certificate of Insurance was to be sent under separate cover; which she informed was received and approved at 3 p.m. today by the Risk Management Consultant. We are still waiting for approval of the Hold Harmless Agreement that was included in the Mail List.

Item No. 9: Received 02/20/14, dated 02/13/14, from Robert A. Abbatomaro, Executive Director, Open Space Trust Fund, County of Bergen Department of Planning and Economic Development, to Borough Clerk re Notice of Public Hearing on Proposed 2013 Open Space Trust Fund Allocations to be held 3/17/14 @ 6:30 p.m. at the County Administration Building, One Bergen County Plaza, Freeholders Public Meeting Room, 5<sup>th</sup> Floor, Hackensack (Noted: "Borough of Closter - \$175,000 for Hess Lustron House Acquisition") Posted on Municipal Clerk's Bulletin Board 2/20/14

Councilman Kashwick questioned if the Borough was going to follow through with this application; and Mayor Heymann said she has been following up on this and she plans to attend this hearing. She said the issue is what the Borough plans to do with the Lustron House and whether upgrading and landscaping it is considered an acquisition. The Mayor is hopeful we can obtain the grant and apply it because the issue of the subdivision is moving ahead.

Item No. 10: Received 02/14/14, dated February 2014 from Todd J. Wojcik, Director of Campaign Financing, NJS Election Law Enforcement Commission, to County and Municipal Clerks re Distribution of Request Forms for Compliance Manuals

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The Borough Clerk explained anyone who wishes to file as a candidate for any municipal position can obtain this form from her office in order to receive a copy of the campaign financing guidelines.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of February 26, 2014)

Mayor Heymann asked if any member of the Governing Body wished to remove any item on the Consent Agenda for discussion. Councilman Kashwick asked to remove Item No. 11.

5a. VOTE ON CONSENT AGENDA ITEMS

11. RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION AND OFFICIALS IN TRENTON TO PROPERLY FUND AND IMPLEMENT THE REPAIR AND UPKEEP OF THE PALISADES INTERSTATE PARKWAY (Requested by Councilman Barad WS 2/12/14/Received from Borough Attorney 2/20/14)

Councilman Kashwick asked that the resolution be amended to tie the wording closer to our Borough residents indicating their usage of the Palisades Parkway and to include a copy to be sent to the neighboring municipalities and our legislators in Districts 39 and 37.

Councilwoman Amitai entered the meeting at 7:55 p.m.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson informed he had no report regarding technology.

2) REPORT – Councilman Dolson reported the Board of Health did not meet this month because it was decided when they had no agenda they would not hold a meeting.

Councilman Dolson reported the budget is at 99% completion; and although a few glitches came up, there are nothing with catastrophic effect on the budget. He said we are still aiming at a 2% or less property tax increase so he thinks it's prudent for a practical budget that will still maintain the infrastructure of the community and provide the services to which we are accustomed. Mr. Dolson noted that tomorrow's meeting will wrap up the budget; and they will provide the paperwork to the Council shortly thereafter. He voiced his understanding that we are still on schedule for introduction and adoption. Mayor Heymann wished to note that our tax collection rate is over 99%.

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

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

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

1) REPORT – Councilwoman Latner reported a public notice regarding the upcoming Special Meeting was published and thanked the Borough Clerk for same. She explained the meeting will be held next Thursday at 7:30 p.m. (3/6/14) for the purposes of information gathering from the residents; and noted she informed the Ad Hoc Sanitation Committee of same.

Councilwoman Latner reported the Library had a roof leak after the last snow so they are looking into getting estimates for an infrared scan. Once the snow is gone, they will be able to make the necessary repairs to the roof. In answer to the Borough Engineer, she voiced her understanding that no books had been damaged. The Borough Administrator informed that one of the walls had some damage but that's about all.

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6. COMMITTEE REPORTS (Continued)  
C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN) (Continued)

Councilwoman Latner reminded the Council of the invitation from Bill Dahle (Superintendent of Public Works) to take a look at some of the items he is requesting in his budget for DPW upgrades or replacements.

Councilwoman Latner reported there was a (NVRHS) School Board meeting this past Monday and they have retained a firm to start the search for a new Superintendent. Mrs. Latner reminded that the regional high school has been performing suspicion based drug testing and said for the first half of the year NV/OT (Northern Valley Old Tappan) had tested 10 kids of which 6 tested positive; and NV/D(Northern Valley/Demarest) tested 2 kids with 1 positive result. She said the principals presented a type of municipal alliance regarding the issue and she raised the issues of Wellcore; and if there was funding for RDT, why couldn't it be used for that. Mrs. Latner circulated the article from The Record regarding Dr. Nagy stepping down as Superintendent.

At this time, Councilwoman Amitai informed she received a question from a resident as to what was on the DPW Committee Meeting Agenda. Mrs. Latner informed she received a similar question and said they were still working on that this week. The Borough Clerk noted she has a skeleton agenda that she has prepared that will be sent out this Friday. Mayor Heymann informed she sent out press releases to the Northern Valley News, Suburbanite and The Record. Mrs. Latner reiterated that there will be no presentations of anything but this is just an open discussion with the residents to gather information.

At this time, Councilman Barad questioned the Borough's salt supply. Mrs. Latner voiced her understanding that we are in good shape as far as salt but there has been an issue getting diesel fuel. The Borough Administrator explained diesel fuel has been in short supply but he believes they have enough week to week.

At this time, the Borough Clerk informed at the Elections meeting she attended this morning in Hackensack, Peter Incardone announced they had asphalt if the municipalities have the manpower; and informed she passed the information to Bill Dahle for follow through if they were interested. Mayor Heymann voiced her opinion that no repairs should be made right now because they have to apply cold patch to a dry surface. Dr. Barad voiced his understanding that Closter's roads were in better shape than most surrounding towns.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported he attended the Ambulance Corps meeting last week where he extended thanks on the Council's behalf for the invitation to their installation dinner. The Corps plans to purchase a new rig in 2015, if possible, so they are starting a committee to put together specifications.

Councilman Barad reported the Ordinance Committee will meet next month and he had nothing special to report at this time.

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee will be meeting hopefully once more next week to finish up the Personnel Manual; and he requested that anyone not on the committee with comments to please send them before next week. Mr. Kashwick said Performance Appraisals will be coming up shortly.

2) REPORT – Mr. Kashwick reported the following:  
a. Shade Tree Commission completed and submitted their annual accomplishment report and Tree City USA application. He noted the Commission planted 74 trees and removed 35 trees during 2013 in addition to pruning and maintenance. The Ruckman Park project, new 5-Year Community Forestry Plan and two Arbor Day plantings were also completed. The Commission had tables at the Farmers Market and distributed press releases and literature regarding the "volcanoes" that build up around trees.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – FEBRUARY 26, 2014 - 7:30 P.M.

6. COMMITTEE REPORTS (Continued)

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

2) REPORT (Continued)

b. Historic Preservation Commission had two meetings since his last report. At the January meeting, a hearing on the Certificate of Appropriateness was reviewed for 117 Hickory Lane, which is the caretaker's building; and it is scheduled to be demolished and rebuilt as the same building but with a slightly higher pitch in the roof. In answer to Dr. Barad, he explained the plans were delivered to and reviewed by the Commission; and after the hearings, they approved the design with recommended changes. At the February meeting, the Borough Hall was recommended for historic designation; and informed a Resolution should be forthcoming. There is talk of consideration of designating the MacBain Farm House. The Commission is still working on outreach to the homeowners in the High Street district.

c. Environmental Commission has two events coming up: The Northern Valley Green Fair will take place on 4/26/14 in Norwood and the Annual Clean-Up will take place with the Green Team on 5/3/14. Once the snow melts, they will begin working on repairs and upgrades to some of the boardwalks near the Dave Scholz Bridge and over by Brook Street.

At this time, Councilman Kashwick requested that at the next meeting a Resolution be introduced to oppose the LG Tower plans. He referred back to comments he made at a prior meeting on the subject and noted he would be proposing same.

At this time, Mayor Heymann voiced her opinion that if the Historic Preservation Commission was able to designate the MacBain Farm House, it would be most helpful because the building is in need of long-term repairs; and with designation, we would have a good chance at obtaining grants for same. In answer to Dr. Barad, Mr. Kashwick explained that an application was made in the past for Borough Hall to be considered for the State and National Register of Historic Places, but it was deemed not unique enough to meet their criteria. Locally, it is a significant building and would meet the criteria. In answer to Mrs. Amitai, he explained that we were not doing any major restoration of the building that would cause reconsideration of our applications to the State and National Register.

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

1) REPORT – Councilwoman Amitai reported the Planning Board will not meet this month. She informed the Improvement Commission met and primarily discussed the art festival they hope to hold on 5/5/14 at Closter Commons if they get permission from the property owner. The Old Church Cultural Center would be willing to participate; and they will further discuss same on 3/5/14. Mrs. Amitai reported the Building Department did not meet but noted they need to do so very soon. She asked to firm up a date tonight before the end of the evening.

At this time, Borough Administrator reminded he circulated a memo last week containing a proposed construction schedule for the Borough Hall Project as follow up to Michael Hanrahan's presentation. It includes getting bid authorization and securing funding; and explained a lot of this is contingent upon moving forward at the next meeting adopting a Resolution authorizing the bidding. He questioned if, at this point, the first step is acceptable to be able to proceed with a Resolution and introducing the funding ordinance for the balance of the project. Mr. Sheola said he would work with Bond Counsel for the funding ordinance and have the Resolution prepared for the next meeting if everyone was in agreement. In answer to Mrs. Amitai, he explained as follows: the number that Mr. Hanrahan was using was \$625,000; he is using \$650,000 just to be a little more conservative. We need to fund \$470,000 as we have \$180,000 on hand. His memo outlined the sources as \$400,000 from the Open Space Historic Preservation Fund and \$70,000 using a Bond Anticipation Note.

Councilman Barad reminded that last time we went out to bid, the bids received were very different from the estimates; and questioned if they felt this was a more accurate estimate. Mayor Heymann affirmed same. Councilman Dolson noted he did not challenge the gentleman making the presentation but recalled Mr. Hanrahan had said since the cause of the lead paint was unknown, that was why the bids came in

- 6. COMMITTEE REPORTS (Continued)
  - F. LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON) (Continued)

higher; and he questioned if that was the sole reason or if there were some miscalculations as well. Mr. Sheola explained there were some miscalculations on the estimator's part and the unknown origin of the lead paint; but now the paint issue has been resolved and CCH farmed the estimate out to ensure accuracy. He reiterated his past dealings with the firm and noted it was evident the Governing Body was displeased and that Senior Partner John Hatch was also aware. In answer to Mrs. Amitai, he explained he forwarded Mr. Ouzonian's comments to CCH and it was noted his suggestions were already contained in the bid specifications. Mr. Sheola said the advertisement for bids would contain the actual bid date as well as the pre-bid meeting; and said this is where the project is explained; and any questions that come up can be answered by the architects.

At this time, the Borough Attorney informed a letter was circulated informing that AT&T is now on board with the Borough's cell tower; and the way it works out is that the bottom line would be if we brought each provider in at \$2,000/month, that would be \$5,000 more than our contract last year called for. Last year we brought in \$67,000 and this year it would be \$72,000. Mr. Rogan recommended we do this since as the time passes, they could find a better offer or we could be chasing them for retroactive rent because they have remained on the tower. In answer to Councilman Kashwick, he explained the tower is already up so other than administrative expenses like electricity, he is unaware of any expenses incurred. Mr. Sheola explained the electricity is included in the Borough's lumped bill so no separate line item is present for that. He asked that if there were no objections, he would prepare a Resolution for the next meeting to move forward with this proposal. The Borough Attorney explained to Mrs. Amitai that the number she was referring to was the amount Crown Castle got/not the Borough. Crown Castle charged more per month but it was for the sole purpose of profit; and what the Borough got out of the \$87,000 was only \$67,000. The Borough Attorney said the contract would be for five years and is renewable. Mrs. Amitai questioned the ability to decorate the tower to make it less obvious; and the Administrator informed that is something that occurs only during construction.

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

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – FEBRUARY 26, 2014 - 7:30 P.M.

12. ADJOURNMENT

Motion to adjourn the Work Session at 8:24 p.m. was made by Councilman Dolson, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on March 7, 2014 for approval  
at the Regular Meeting to be held  
March 12, 2014

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held March 12, 2014  
Consent Agenda Item No. 24b.