

MAYOR AND COUNCIL BOROUGH OF CLOSTER

REGULAR MEETING AGENDA – WEDNESDAY, OCTOBER 25, 2023 - 7:00 P.M immediately following the Work Session

Mayor Glidden opened the meeting at 8:15 pm with the following announcement: DUE TO PUBLIC HEALTH CONSIDERATIONS, THIS REGULARLY SCHEDULED MEETING OF THE CLOSTER MAYOR AND COUNCIL WILL BE HELD IN-PERSON TELEPHONICALLY and VIA ZOOM VIDEO.

You may join Zoom meeting including video by accessing the information posted in the **Borough Calendar** on the Borough website by visiting www.closterboro.com and clicking the link on the left sidebar for **Calendars and Notice of Meetings** and click on the corresponding date.

To join via Telephone Audio Only:

TOLL FREE: +1 646-558-8656; **MEETING ID:** 864 2063 3673; **PASSWORD:** 8675309

If Executive session is required, the Council will retire to a closed session at the conclusion of the Regular Meeting pursuant to N.J.S.A. 10:4-6 and follow the procedures provided in this statute.

OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of 2023 Mayor and Council Meetings which was published in The Record and The Star Ledger on December 27, 2022, was posted on the Municipal Clerk's bulletin board and on the Borough website, and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

ROLL CALL

Councilwoman Amitai-present Councilwoman Chung-present Councilman Devlin-present Councilman Yammarino-present

ORDINANCES

ADOPTION OF ORDINANCES The meeting was opened for public comment, seeing none it was closed to the public.

Ordinance No. 2023-1323 ORDINANCE AMENDING ARTICLE 1, CHAPTER 14, LENGTH OF

SERVICE AWARDS PROGRAM

Councilwoman Witko moved to adopt the ordinance, second Councilwoman Latner.

Councilwoman Amitai-yes Councilwoman Latner-yes
Councilwoman Chung-yes Councilman Devlin-yes Councilman Yammarino-yes

Carried.

INTRODUCTION OF ORDINANCES

Ordinance No. 2023-1326 AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED

\$800,000 FROM OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS

AND HISTORIC PRESERVATION INFROVEMENTS

Councilman Yammarino moved to introduce the Ordinance, second Councilwoman Latner.

Councilwoman Amitai-yes Councilwoman Latner-yes
Councilwoman Chung-yes Councilman Witko-yes
Councilman Devlin-yes Councilman Yammarino-yes

Carried.

Ordinance No. 2023-1327 ORDINANCE AMEMDING CHAPTER 52 OF THE BOROUGH OF

CLOSTER CODE RELATING TO THE DEPARTMENT OF PUBLIC

WORKS

Councilwoman Chung moved to introduce the Ordinance, second Councilwoman Witko.

Councilwoman Amitai-yes Councilwoman Latner-yes
Councilwoman Chung-yes Councilwoman Witko-yes
Councilman Devlin-yes Councilman Yammarino-yes

Carried.

Ordinance No. 2023-1328 AN ORDINANCE AMEMDING ORDINANCE NO. 2022-1302

Councilwoman Latner moved to introduce the Ordinance. Second Councilwoman Witko.

Councilwoman Amitai-yes Councilwoman Latner-yes
Councilwoman Chung-yes Councilman Devlin-yes Councilman Yammarino-yes

Carried.

VOTE ON CONSENT AGENDA ITEMS The Mayor read the following.

All items with an asterisk (*) are considered to be non-controversial by the Council and will be approved by one MOTION. There may be further discussion prior to the vote upon request of a Council Member. Also, any item may be removed for further discussion or for Roll Call vote, in which case the item will be removed and considered in its normal sequence as part of the General Order of Business.

RESOLUTIONS

- 23-232 RESOLUTION AUTHORIZING A HEALTH REIMBURSEMENT ACCOUNT (HRA) FOR EMPLOYEES
- 23-233 RESOLUTION APPROVING REFUND OF ENGINEERING ESCROWS
- 23-234 RESOLUTION APPROVING REFUND OF LEGAL ESCROW
- 23-235 RESOLUTION APPROVING REFUND OF TREE BONDS
- 23-236 RESOLUTION HIRING FOR FIRE SUB CODE JOSEPH ZAVARDINO
- 23-237 RESOLUTION TO PURSUE A "FAIR AND OPEN" PROCESS IN AWARDING CERTAIN CONTRACTS IN THE BOROUGH OF CLOSTER

Item 23-234 was pulled for a separate vote.

Councilwoman Chung moved to adopt Items 232-233 and 235-237, second Councilman Yammarino.

Councilwoman Amitai-yes Councilwoman Latner-yes
Councilwoman Chung-yes Councilwoman Witko-yes
Councilman Devlin-yes Councilman Yammarino-yes

Carried.

VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

Resolution 23-234 Resolution Approving Refund of Legal Escrow

Councilwoman Latner moved to approve Item 23-234, second Councilman Yammarino.

Councilwoman Amitai-yes Councilwoman Latner-yes
Councilwoman Chung-yes Councilwoman Witko-abstain
Councilman Devlin-yes Councilman Yammarino-yes

Carried.

Resolution 23-239 A Change Order in the Amount of \$66,720 for Anderson Brook

Councilman Yammarino moved to approve the resolution, second Councilwoman Witko.

Councilwoman Amitai-yes Councilwoman Latner-yes
Councilwoman Chung-yes Councilman Devlin-yes Councilman Yammarino-yes

Carried.

Resolution 23-240 A Change Order in the Amount of \$5,750 for the Colgate project

Councilwoman Witko moved to approve the resolution, second Councilman Yammarino.

Councilwoman Amitai-yes
Councilwoman Chung-yes
Councilman Devlin-yes
Councilman Yammarino-yes

Carried.

ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE GOVERNING BODY

OPEN MEETING TO PUBLIC FOR ANY MATTER (5-minute limit) No Comments

CLOSED SESSION

23-238 RESOLUTION TO GO INTO CLOSED SESSION AND EXCLUDE THE PUBLIC

Councilwoman Latner moved to approve the resolution, second Councilwoman Witko. All in favor. The Regular Meeting went into Closed Session at 8:27 pm.

Councilwoman Latner moved to go into Open Session, second Councilwoman Witko. All in favor. The meeting returned to Open Session at 9:04 pm.

ADJOURNMENT Councilwoman Witko moved to adjourn, second Councilwoman Latner. All in favor. The meeting was adjourned.

Respectfully submitted,

RESOLUTION APPROVING REFUND OF ENGINEERING ESCROWS

WHEREAS, all applicable Borough professionals have finalized inspections on improvements made and approve the release of engineering escrow funds to the depositors of monies as indicated in the attached spreadsheet listing of accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter that the Finance Clerk is and hereby authorized to release escrow monies to the depositors as indicated in the attached spreadsheet listing of accounts.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			Х		<u> </u>	
Councilwoman Chung	Х		Х			-1
Councilman Devlin		1	Х		<u> </u>	
Councilwoman Latner			Х			
Councilwoman Witko					<u> </u>	Х
Councilman Yammarino		Х	Х		<u> </u>	

Adopted: October 25th, 2023

ATTEST:

APPROVED:

Stephanie Evans, Borough Clerk

John C Glidden Ir Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held on October 25th, 2023.

RESOLUTION APPROVING REFUND OF LEGAL ESCROW

WHEREAS, all applicable Borough professionals have finalized inspections on improvements made and approve the release of legal escrow funds to the depositors of monies as indicated in the attached spreadsheet listing of accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter that the Finance Clerk is and hereby authorized to release escrow monies to the depositors as indicated in the attached spreadsheet listing of accounts.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			Х			
Councilwoman Chung	X		X			
Councilman Devlin			Х			
Councilwoman Latner			Х			
Councilwoman Witko			Х			
Councilman Yammarino		Х	Х			

Adopted: October 25th, 2023

ATTEST:

APPROVED:

Stephanie Evans, Borough Clerk

John C. Glidden, Jr., Mayor

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	DEPOSITOR	PROPERTY ADDRESS	ESCROW	ACCOUNT#	AMOUNT \$
Witko		17 Bogert Street	L	2010057118	\$503.00

RESOLUTION APPROVING REFUND OF TREE BONDS

WHEREAS, all applicable Borough professionals have finalized inspections on improvements made and approve the release of tree bond funds to the depositors of monies as indicated in the attached spreadsheet listing of accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter that the Finance Clerk is and hereby authorized to release bond monies to the depositors as indicated in the attached spreadsheet listing of accounts.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			Х			
Councilwoman Chung	Х		Х			
Councilman Devlin			Х			
Councilwoman Latner			Х			
Councilwoman Witko			Х			
Councilman Yammarino		Х	Х			

Adopted: October 25th, 2023

ATTEST:

APPROVED:

Stephanie Evans, Borough Clerk

John C. Glidden, Jr., Mayor

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DEPOSITOR	PROPERTY ADDRESS	BOND	ACCOUNT # AMOUNT \$
Nicholas Sanders	140 Cedar Lane	Т	2010057429 \$ 1,950.00
Navid & Rugh Pourkay	170 Cedar Lane	T	2010057470 \$ 1,300.00
Gary J. Wiggers Construction	26 Bogert Street	T	20100057394 \$3,900.00



HIRING RESOLUTION FOR FIRE SUB CODE JOSEPH ZAVARDINO

WHEREAS, there is a vacancy in the Building Department's position of Fire Sub Code Official, and

WHEREAS, the Borough Administrator and the Construction Official the Borough of Closter in conjunction with the Human Resources Committee are aware of a necessity to fill the vacancy and

WHEREAS, Interviews were conducted with qualified applicants, and

WHEREAS, The Administrator and Construction Official recommend the hiring of Joseph Zavardino, and

NOW THEREFORE BE IT RESOLVED, the Mayor and Council are hereby authorizing the appointment of Joseph Zavardino as part time Fire Sub Code Official at the annual salary of \$15,000.00 per year, not to exceed 4 hours per week effective November 1, 2023 for a 4 year term.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Clerk shall provide a certified copy of this Resolution to the Finance Office.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			Х			
Councilwoman Chung	Х		х			
Councilman Devlin			х			
Councilwoman Latner			Х			
Councilwoman Witko			Х			
Councilman Yammarino		Х	Х			

Adopted: October 25, 2023

ATTEST :

APPROVED BY:

Stephanie Evans, Borough Clerk

John C. Glidden, Jr., Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held on October 25, 2023.

RESOLUTION TO PURSUE A "FAIR AND OPEN" PROCESS IN AWARDING CERTAIN CONTRACTS IN THE BOROUGH OF CLOSTER

WHEREAS, the laws of the State of New Jersey regarding the awarding of certain municipal contracts requires that said contracts be awarded pursuant to the provisions of N.J.S.A. 19:44A-20, et. seq., commonly called the "Pay to Play" law; and

WHEREAS, the governing body desires to pursue the "Fair and Open" process set forth in the law in awarding contracts for the following positions for 2024:

Borough Auditor

Borough Attorney

Borough Appraiser - Commercial Properties

Borough Appraiser - Residential Properties

Borough Bond Attorney

Borough Engineer, including Planning Board and Zoning Board of Adjustment

Borough Labor Attorney

Borough Public Defender

Borough Prosecutor

Borough Alternate Prosecutor

Actuarial Consulting Service

Attorney to the Planning Board*

Attorney to the Zoning Board of Adjustment*

Borough Planner (Master Plan Reexamination)*

COAH Planner

Ethics Board Attorney

Financial Advisory Services

Risk Manager

Landscaper for Foreclosed and Abandoned Properties

Qualified Purchasing Agent

Duly licensed personnel to carry out the following public health activities:

- (a) Public Health Administration: health officer, electronic information notification (LINCS), health education.
- (b) Environmental Health Services Registered Environmental Health Specialist (Approximately 4 days per week but additional hours may be assigned subject to Board of Health approval).

All of the services described in a & b above shall meet "Public Health Practice Standards of Performance for Local Boards of Health in New Jersey."

*WHEREAS, the governing body recognizes that under the law, the Planning Board and Zoning Board of Adjustment may make the final decision as to whether or not to use the Fair and Open process when awarding their contracts; however, the governing body strongly recommends that these Boards use the Fair and Open process.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Closter that the governing body desires to pursue the Fair and Open Process in awarding contracts for the positions set forth above and the Borough Clerk is hereby authorized to advertise for said positions pursuant to the law.

BE IT FURTHER RESOLVED that the Borough Clerk shall provide a copy of this Resolution to the Board of Health, the Planning Board, and Zoning Board, and the Borough Clerk and Borough Attorney are hereby authorized to take all further steps necessary to carry out the governing body's desire to pursue the Fair and Open process in awarding the contracts for the positions set forth above.

COUNCILPERSON	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai			Х			
Councilwoman Chung	X		X			
Councilman Devlin			Х			
Councilwoman Latner			х			
Councilwoman Witko			Х			
Councilman Yammarino		Х	Х			

Adopted: October 25, 2023

ATTEST:

Stephanie Evans, Municipal Clerk

APPROVED:

John Glidden Ir Mayor

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held on October 25, 2025.

RESOLUTION TO GO INTO CLOSED SESSION AND EXCLUDE THE PUBLIC

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances will or presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Closed, County of Bergen, State of New Jersey, as follow:

That the public shall be excluded from the August 9, 2023 Closed Session and 1. discussion of the hereinafter specified subject matter:

Closed Session		Statutory
Docket#	Item Title of Description	Reference
23-10/25-1	Pending or Anticipated Litigation or Contract Negotiations	N.J.S.A. 10:4-12 (b) (7)
23-10/25-2	Matter Falling With Attorney Client Privilege	N.J.S.A. 10:4-12 (b) (7)

Formal action may/may not be taken.

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			Х			
Councilwoman Chung	Х		Х			
Councilman Devlin			Х			
Councilwoman Latner			Х			
Councilwoman Witko			Х			
Councilman Yammarino		Х	Х			

Adopted: October 25, 2023

ATTEST:

APPROVED BY:

John C Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held on October 25, 2023.

RESOLUTION AMENDING CHANGE ORDER NO. 2 DWARSKIL STABILIZATION -COLGATE STREET - D.T.S. TRUCKING, LLC

WHEREAS, the Borough of Closter, by Resolution dated August 9, 2023, Agenda No. 23-198, approved an amended contract in the amount of \$397,948.00 (the "Contract Price") to D.T.S. Trucking for a project known as Dwars Kill Bank Stabilization - Colgate Street; and

WHEREAS, in an email dated October 23, 2023 to the James Winters, Borough Administrator, Boswell Engineering advised the Borough of the need to remove a dead tree on the peninsula of the Colgate Project and provided the proposal from D.T.S. Trucking in the amount of \$5,750.00, increasing the amount of the contract amount from \$397,948.00 to \$403,698.00; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council do hereby authorize the amendment and execution by the Chief Financial Officer of Change Order #1 pursuant to which the Contract Price will be increased by \$5,750.00 to \$403.698.00 (the "Amended Contract Price").

CERTIFICATE OF AVAILABILITY OF FUNDS

I, Frank Elenio, Certified Financial Officer of the Borough of Closter, hereby certify, pursuant to N.J.S.A. 40A:9-140.1, et seq. and N.J.A.C. 5:30-5.4, the funds are available to the Borough of Closter for calendar year 2023 in account. C-04-21-287-000-001.

Dated: October 25, 2023

Frank Elenio, CFO

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			X	 		
Councilwoman Chung			X		<u> </u>	
Councilman Devlin				 		v
Councilwoman Latner	X		X		<u> </u>	
Councilwoman Witko			X			
Councilman Yammarino		Х	X	 		

Adopted: October 25, 2023

ATTEST:

APPROVED:

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting October 25, 2023.

JW:Iw

Exhibit A

Boswell Engineering Email and DTS Trucking Proposal dated 10/23/23 from Frank Rossi, Boswell Engineering to James Winters, Borough Administrator Change o. M. Pros #1

DTS TRUCKING, LLC

Phone: 973-238-1510 Fax: 973-238-0222

65 ROYAL AVENUE HAWTHORNE, NEW JERSEY 07508

Proposal ____

	979-298-1510 FAX: 973-238-0222	
PROPOSAL SUBMITTED TO Borough of Closter STREET	PHONE	DATE 10/23/2023
CITY, STATE AND ZIP CODE	JOB NAME Dwars Kill Bank Sta JOB LOCATION	tabilization - Colgate Street
contact Frank Rossi - Boswell Engineering	FAX Dead	Tree Removal
We hereby submit specifications and estimates for:	frossi@bosw	wellengineering.com
Removal of dead tree on peninsula. - The large tree will be removed and will be cut flush - Access for the crane will be needed to perform this - The access point will be the residence off of Millbro	und	

We Propose hereby to furnish material and labor-co	omplete in accordance with above specifications, for the sum of:
Payment to be made as follows:	dollars (\$ \$5,750.00).
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmans Compensation insurance.	Note: This proposal may be
Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and herby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Date of Acceptance:	

RESOLUTION APPROVING CHANGE ORDER NO. 1 ANDERSON BROOK D.T.S. TRUCKING, LLC

WHEREAS, the Borough of Closter, by Resolution dated August 9, 2023, Agenda No. 23-200, approved an amended contract in the amount of \$55,220.00 (the "Contract Price") to D.T.S. Trucking for a project known as the Anderson Brook Stream Cleaning – Meadows Lane Project; and

WHEREAS, in an email dated October 25, 2023 to the James Winters, Borough Administrator, Boswell Engineering advised the Borough of the need to remove a dead tree on the peninsula of the Colgate Project and provided the proposal from D.T.S. Trucking in the amount of \$11,500.00, increasing the amount of the contract amount from \$55,220.00 to \$66,720.00; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council do hereby authorize the execution by the Chief Financial Officer of Change Order #1 pursuant to which the Contract Price will be increased by \$11,500.00 to \$66,720.00 (the "Amended Contract Price").

CERTIFICATE OF AVAILABILITY OF FUNDS

I, Frank Elenio, Certified Financial Officer of the Borough of Closter, hereby certify, pursuant to N.J.S.A. 40A:9-140.1, et seq. and N.J.A.C. 5:30-5.4, the funds are available to the Borough of Closter for calendar year 2023 in account. C-04-21-287-000-001...

Dated: October 25, 2023

Frank Elenio, CFO

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai			X		 	
Councilwoman Chung			Х			
Councilman Devlin						Х
Councilwoman Latner	X		X			
Councilwoman Witko			Х			
Councilman Yammarino		Х	Х			

Adopted: October 25, 2023

ATTEST:

Strohame Lane

Stephanie Evans, Borough Clerk

APPROVED:

John C Glidden Ir Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting October 25, 2023.

Stephanie Evans, Borough Clerk

JW:lw

Exhibit A

DTS Trucking Proposal dated 10/25/23 Anderson Brook Stream Cleaning Project

Proposal ——





Borough of Closter

Frank Rossi - Boswell Engineering

We hereby submit specifications and estimates for:

65 ROYAL AVENUE HAWTHORNE, NEW JERSEY 07506 979-238-1510 FAX: 973-238-0222

PHONE

FAX

JOB NAME

JOB LOCATION

	rage no.	10	Pages		
ING, LLC ENUE RSEY 07506 10 0222	3		one: 973-238-1510 -ax: 973-238-0222		
	DATE	10/25/20	023		
	erson Bro	ok			
ı Additio	nal Boul	ders			
frossi@boswellengineering.com					
per discussio	n.				

Supply and install additional boulders along the stream bank as per discussion.

Mobilization/Demobilization - \$1,000.00

PROPOSAL SUBMITTED TO

CITY, STATE AND ZIP CODE

STREET

CONTACT

Supply (6) large boulders & 1 load of small boulders - \$2,000.00

Install boulders along stream bank as per discussion - \$6,950.00

Site cleanup and restoration - \$1,550.00

We Propose hereby to furnish material and labor-co	mplete in accordance with above specifications, for the sum of:
Payment to be made as follows:	dollars (\$ 11,500.00)
All material is guaranteed to be as spacified. All work to be completed in a workmanlike manner according to standard practices. Any atteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmens Compensation Insurance.	Authorized Jason Usnick Note: This proposal may be withdrawn by us if not accepted within days
Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and herby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Date of Acceptance:	Signature