

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – WEDNESDAY, DECEMBER 11, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:47 p.m.

1. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was published in The Record and the Star Ledger issues of January 8, 2013, was posted on the Municipal Clerk’s bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

2. ROLL CALL

The following persons were present:

- Mayor Sophie Heymann
- Councilpersons John C. Glidden, Jr., Council President; Alissa Latner, John Kashwick,
David Barad (9:15 p.m.) and Arthur Dolson
- 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

The following persons were absent:

- Councilwoman Victoria Amitai

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

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

4. MAYORAL PROCLAMATION DECLARING JANUARY 11TH OF EACH YEAR AS “HUMAN TRAFFICKING AWARENESS DAY” (Requested by Mayor 10/30/13)

Mayor Heymann read the Proclamation aloud and noted that human trafficking is a major problem especially when there are major athletic events such as the Super Bowl.

At this time, Mayor Heymann asked for a Moment of Silence to honor the memory of Margaret Pierro who passed away November 30, 2013. She was the matriarch of three generations of citizens of Closter who have done a great deal of volunteer work on our behalf.

5. 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 November 13, 2013 and was published in The Record on November 19, 2013 as stated in the Borough Clerk’s affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

ORDINANCE NO. 2013:1152, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 183 OF THE CODE OF THE BOROUGH OF CLOSTER SPECIFICALLY SECTIONS 183-45 & 183-47

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

Motion approving adoption of Ordinance No. 2013:1152 was made by Councilman Kashwick, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick and Dolson.

6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 8, 20 and 22 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick and Dolson.

RESOLUTIONS

7. BILL RESOLUTION – DECEMBER 15, 2013 (Received from Deputy Treasurer 12/6/13)
8. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$503.00 TO ROBERT & DOLORES WITKO FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR APPLICATION AT BLOCK 1710 LOT 7, 17 BOGERT STREET (Received from Deputy Treasurer 11/7/13) (Adjourned from RM 11/13/13; Adjourned from RM 11/25/13)
9. RESOLUTION MEMORIALIZING THE DECISION OF THE COUNCIL (RM 11/13/13) REGARDING THE APPEAL BY RESIDENT OF 215 HIGH STREET OF THE RECOMMENDED FINES AND MITIGATION FOR VIOLATION OF THE TREE ORDINANCE (Received from Borough Attorney 11/19/13; Adjourned from RM 11/25/13; Revised version received from Borough Attorney 12/4/13)
10. RESOLUTION AUTHORIZING MAYOR AND MUNICIPAL CLERK TO ENDORSE MUNICIPAL TAX SALE CERTIFICATE ISSUED AT THE TAX SALE HELD 4/18/13 TO THE BOROUGH OF CLOSTER TO EFFECT CANCELLATION OF CERTIFICATE OF SALE NO. 13-00005 FOR PROPERTY LOCATED AT BLOCK 611, LOT 14, 104 OAK STREET, ASSESSED TO D'ANTONI, MICHAEL AND ANNMARIE (Received from Tax Collector 12/2/13)
11. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2013: RUSSO, A. & M. V. CLOSTER FOR BLOCK 2305, LOT 12, 260 PARSELLS LANE (Received from Borough Attorney 11/26/13)
12. RESOLUTION FIXING MEETING DATES FOR THE SINE DIE MEETING AND REORGANIZATION MEETING
13. RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO BID FOR EMERGENCY GENERATORS FOR THE CLOSTER PUBLIC LIBRARY AND CLOSTER SENIOR CITIZENS CLUB (Received from Administrator 12/4/13)
14. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE 2013 BODY ARMOR GRANT IN THE AMOUNT OF \$2,554.97 (Received from Administrator 12/4/13)
15. RESOLUTION APPROVING RELEASE OF MUNICIPAL LIEN RELATIVE TO OUTSTANDING FEES FOR THE CONSTRUCTION CODE OFFICE FOR PROPERTY LOCATED AT 104 OAK STREET AS A RESULT OF ACCEPTANCE OF PAYMENT OF \$35,000 TO SATISFY MUNICIPAL LIEN; AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE RELEASE OF LIEN (Received from Administrator 12/4/13)
16. BUDGET TRANSFER RESOLUTION NO. 2 (Received from Administrator 12/4/13)
17. RESOLUTION INITIATING MANDATORY DIRECT DEPOSIT OF PAY CHECKS FOR ALL FULL-TIME AND PERMANENT PART-TIME EMPLOYEES EFFECTIVE JANUARY 1, 2014 (Received from Administrator 12/4/13)
18. RESOLUTION AUTHORIZING MAYOR, CLERK AND OTHER BOROUGH OFFICIALS TO EXECUTE DPW CONTRACT (4-YEAR CONTRACT FROM 1/1/13 TO 12/31/16/Received from Borough Attorney 12/4/13)
19. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE REGULAR MEETING HELD 11/25/13 AUTHORIZING A TOWN-WIDE GARAGE SALE ORGANIZED BY THE CLOSTER FOOD & ASSISTANCE BOARD AND WAIVING PERMIT FEES FOR PARTICIPANTS (Received from Borough Attorney 12/5/13)
20. AT APPROXIMATELY 8:45 P.M. - OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION EXCLUDING THE PUBLIC IN ORDER TO PERMIT THE GOVERNING BODY TO DISCUSS IN EXECUTIVE SESSION, PER N.J.S.A. 10:4-13(b)(8), A PERSONNEL MATTER (Rice Notice sent via e-mail and Lawyers' Service on 12/2/13)
- 20a. RESOLUTION AUTHORIZING THE MAYOR TO SIGN A REVISED SHARED SERVICES AGREEMENT WITH THE NORTHERN VALLEY REGIONAL SCHOOL DISTRICTS AND MUNICIPALITIES FOR AN EARLY-WARNING LIGHTNING DETECTION SYSTEM (Received from Borough Attorney 12/11/13)
- 20b. RESOLUTION APPOINTING JAMES C. HOFFMAN TO THE POSITION OF PROVISIONAL ELECTRICAL SUB-CODE OFFICIAL EFFECTIVE DECEMBER 11, 2013 (Received from Borough Administrator 12/10/13)

MOTIONS

21. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 12/6/13)
 ABSTENTIONS: MAYOR HEYMANN; AMITAI
 a. REGULAR MEETING HELD 11/25/13
 b. WORK SESSION HELD 11/25/13

~~22.~~ MOTION APPROVING APPOINTMENTS TO THE FOLLOWING BOARDS/COMMISSIONS:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOROUGH HISTORIAN	<u>William Cahill</u> (non-acceptance)	_____	1 Year	12/31/13
IMPROVEMENT COMMISSION Member/HP Liaison	<u>Irene Stella</u> (resigned)	_____	2 years unexp. Stella to	12/31/13
Member	<u>Tina Stratton</u> (non-acceptance)	_____	2 Years	12/31/14
Member	<u>(Cherylin Clarke)</u> (resigned)	_____	2 Years unexp. (Clarke) to	12/31/13
Alt. No. 1	<u>Shiran Slutzky</u> (resigned)	_____	2 Years unexp. (Slutzky) to	12/31/13
Alt. No. 2	<u>Wilson Reimers</u> (non-acceptance)	_____	2 Years	12/31/14

23. REPORTS
 a. CONSTRUCTION OFFICIAL – NOVEMBER 2013 (Received 11/27/13)
 b. FIRE CHIEF – NOVEMBER 2013 (Received 12/5/13)
 c. CHIEF OF POLICE – NOVEMBER 2013 (Received 12/11/13 @3:13 p.m.)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

24. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)
 (Subject to 5-minute limit per By-Laws General Rule No.11)

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

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

Motion approving the following Closed Session Resolution at 8:57 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, and Dolson.

20. 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 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.

Councilman Barad entered the meeting at 9:15 p.m.

Mayor Heymann resumed the Regular Meeting at 11:03 p.m.

The Borough Attorney reported on the following Resolutions to be prepared by his office:

- 25a. RESOLUTION APPROVING THE ALLOCATION OF UP TO \$1,200 FOR THE PURPOSE OF RETAINING EXPERT TESTIMONY IN THE FORM OF AN ENGINEER FOR THE METROPOLITAN FARM MATTER PENDING BEFORE THE STATE AGRICULTURAL BOARD - MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY

Motion of approval was made by made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

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- 25b. RESOLUTION TO PLACE THE APPLICATION AND CERTIFICATE FOR PAYMENT OF BISMARK CONSTRUCTION CORPORATION, DATED AUGUST 23, 2013, IN THE AMOUNT OF \$38,499.30, TO BE AUTHORIZED AND PAID - MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY

Motion of approval was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

26. ADJOURNMENT

Motion to adjourn the Regular Meeting at 11:06 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
December 20, 2013 for approval at the
Sine Die Meeting to be held
Thursday, January 2, 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 January 2, 2014
Consent Agenda Item No. 18a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – DECEMBER 11, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session Meeting on Wednesday, December 11, 2013. Mayor Heymann called the meeting to order 7:30 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was published in The Record and the Star Ledger issues of January 8, 2013, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick and Arthur Dolson
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

The following persons were absent:

Councilman David Barad
Councilwoman Victoria Amitai

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF DECEMBER 5, 2013 – Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 4 was removed by Councilman Dolson; Item No. 10 was removed by Councilwoman Latner.

Item No. 10: Received 12/04/13, dated 12/04/13 from Schepisi, Asw. D.O., State Department of Education, to Municipal Clerks re Press Release – Christie Administration Approves \$57 Million in School Facilities Grants in Bergen County (District: Closter; Total Project Cost: \$1,602,500; State Share of Cost: \$641,000

Councilwoman Latner voiced her concerns that she would like more information on exactly what types of projects are covered by these grant monies and noted Closter received a portion. Mayor Heymann informed she was not aware what the \$641,000 will be going to and requested Mrs. Latner follow through regarding same. In answer to Mrs. Latner, Councilman Glidden noted there is a separate line item for the Northern Valley Regional High School; therefore, this amount is for the local Closter schools. Borough Administrator informed that NVRHS requested over two-quarters of a million dollars and they were granted \$902,000.

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WORK SESSION NOTES – DECEMBER 11, 2013 - 7:30 P.M.

Item No. 4: Received 11/25/13, dated 11/25/13 from Elvira Testa Caputo, Secretary, Borough of Closter Department of Health, to Loretta Castano re Copy of Board of Health Ordinance introduced 11/21/13 scheduled for Public Hearing on 12/19/13 @ 7:30 p.m.: Ordinance No. 2013-2: An Ordinance Amending Article XII, Section 250-69 of the Code (Paragraph D, Temporary Retail Food Establishments and Events)

Councilman Dolson noted he reported on this ordinance at the last meeting and said it will alter the fees for the Board of Health for the various municipal gatherings throughout the year.

At this time, the Borough Clerk reported she received an item from resident Louise Sorensen that will appear in the 12/12/13 Mail List as Item No. 1 (distributed 12/6/13) regarding Ordinance No. 2013:1152 scheduled for Public Hearing and Adoption this evening:

Item No. 1: Received 12/05/13 @ 2:35 p.m., dated 12/04/13, from Louise E. Sorensen, 26 Division Street re Ordinance No. 2013:1152, Paragraph D Section 183-45, Schedule II (Copy to Nick DeNicola and Edward T. Rogan) Distributed to Mayor and Council 12/6/13

The Borough Clerk explained the letter states that Mrs. Sorensen had discussions with the Borough Engineer and Superintendent of Public Works and it is her understanding that the situation will be taken care of because they were here before the meeting began. The Superintendent of Public Works informed there was an issue regarding parking which will be taken care of.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of December 11, 2013)

Mayor Heymann asked if anyone wished to discuss any of the Consent Agenda items noting that she wished to discuss Item Nos. 17 and 18. Councilman Dolson requested discussion on Item No. 8 and Councilman Glidden requested discussion on Item No. 20a.

8. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$503.00 TO ROBERT & DOLORES WITKO FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR APPLICATION AT BLOCK 1710 LOT 7, 17 BOGERT STREET (Received from Deputy Treasurer 11/7/13) (Adjourned from RM 11/13/13; Adjourned from RM 11/25/13)

Councilman Dolson noted that he is liaison to the Zoning Board of Adjustment; and this resolution is a Zoning Board issue relative to an application that came before the Zoning Board in 2011. It took over a year to hear the application and resolve same. The property in question has over 70% impervious coverage and contains a multiple family dwelling. The application was remanded to the Zoning Officer and Building Inspector to report on same in February 2012 but this has not happened. There were 5 conditions imposed on the applicants as a condition of approval, one of which was the submission of a revised site plan under the seal of a licensed New Jersey engineer. None of the conditions have been met; and he requested a postponement of the resolution whereupon he will discuss the matter with the Zoning Board at their next meeting. He said he would supply a report for the Sine Die Meeting. In answer to Councilman Glidden, Councilman Dolson said the Witkos live on the premises and noted that almost all of the property is covered with pavers or concrete; and cars are being parked everywhere including the front lawn. The installation of sidewalks and curbs was one of the conditions that were imposed by the Board in addition to no parking on the front lawn.

10. RESOLUTION AUTHORIZING MAYOR AND MUNICIPAL CLERK TO ENDORSE MUNICIPAL TAX SALE CERTIFICATE ISSUED AT THE TAX SALE HELD 4/18/13 TO THE BOROUGH OF CLOSTER TO EFFECT CANCELLATION OF CERTIFICATE OF SALE NO. 13-00005 FOR PROPERTY LOCATED AT BLOCK 611, LOT 14, 104 OAK STREET, ASSESSED TO D'ANTONI, MICHAEL AND ANNMARIE (Received from Tax Collector 12/2/13)

Borough Attorney recused himself from the tax lien certificate and informed same was handled by Arthur Chagaris.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – DECEMBER 11, 2013 - 7:30 P.M.

17. RESOLUTION INITIATING MANDATORY DIRECT DEPOSIT OF PAY CHECKS FOR ALL FULL-TIME AND PERMANENT PART-TIME EMPLOYEES EFFECTIVE JANUARY 1, 2014
(Received from Administrator 12/4/13)

Mayor Heymann noted that the direct deposit is an excellent idea inasmuch as it works well for both the employees and the Borough. She said that several employees are uncomfortable with the change noting that by making this a mandate they may be pushing those employees who tend to be lower paid employees who may have a different attitude toward cash rather than direct deposit.

18. RESOLUTION AUTHORIZING MAYOR, CLERK AND OTHER BOROUGH OFFICIALS TO EXECUTE DPW CONTRACT (4-YEAR CONTRACT FROM 1/1/13 TO 12/31/16/Received from Borough Attorney 12/4/13)

Mayor Heymann said she has heard rumors that the DPW employees were not familiar with the contract and were not happy it was being signed without their knowledge. Consideration could be given to postponing the signing. Borough Attorney said it was his understanding that the contract was voted upon by the Union according to the cover letter received from the Union representative. Superintendent of Public Works advised that the Union was told about the contract and they did take a vote thereafter.

- 20a. RESOLUTION AUTHORIZING THE MAYOR TO SIGN A REVISED SHARED SERVICES AGREEMENT WITH THE NORTHERN VALLEY REGIONAL SCHOOL DISTRICTS AND MUNICIPALITIES FOR AN EARLY-WARNING LIGHTNING DETECTION SYSTEM (Received from Borough Attorney 12/11/13)

Councilman Glidden noted that there was a discussion on this matter at the Recreation Commission meeting; and there was a question about an ordinance to provide for the vacation of the property in the event of a lightning detection warning such as one that had passed by the Borough of Cresskill. He added that the Recreation Director is to meet with the Police Chief on enforcement of such an ordinance and report back to the governing body. At this time, Mayor Heymann provided the background noting that the system has been approved. The equipment would be placed in three different locations in Closter, with the receiver at the Demarest Middle School; and a first warning would be given at 20 miles, a second at 10 miles; and at 5 miles, the siren would be activated and everyone must leave the field at that time. The warning would be audible the entire time; and Councilman Dolson suggested a reverse 9-1-1 notification to the entire town to test the system so that the residents are aware of the sound. Borough Administrator noted that there would be signs at all of the fields making everyone aware of the warning system; and he suggested sanctions against coaches that do not leave the fields after a warning.

23. REPORTS

- a. CONSTRUCTION OFFICIAL – NOVEMBER 2013 (Received 11/27/13)
- b. FIRE CHIEF – NOVEMBER 2013 (Received 12/5/13)
- c. CHIEF OF POLICE – NOVEMBER 2013 (Received 12/11/13 @ 3:13 p.m.)

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney informed he had a few items to update this evening. Regarding the Metropolitan Farm & Hickory Lane litigation, the parties including the residents and the Borough have been contacted by the State Agricultural Board's legal counsel who is in the process of scheduling a pre-hearing meeting with the parties to narrow the issues and determine a timetable for the Farm Board appeal. The Council committee met with the Resident's committee a week ago last Monday to discuss the joint effort. The Borough Attorney noted there were several residents of Hickory Lane present in the audience this evening whom he believes will be speaking during the public portion of the meeting.

6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

The Borough Attorney reported that this past Monday (12/9/13), Mr. Rosenblum withdrew his complaints for the five pending years of tax appeals for the Watkins property as a result of Mrs. Watkins withdrawing her Farmland Application. Essentially this case is going to be dismissed and our Assessor will now assess the property at the full value for those five years. The Borough will then seek the difference between the Farmland Assessment and the current market rate for each of those years.

Regarding Giua vs. Borough of Closter, the issues regarding the easement behind the Red Maple and Nu Moda Salon have been dismissed by the Tax Court. The case was originally filed in Superior Court where it was dismissed from and transferred to the Tax Court. After the motion was heard, Judge Andresini dismissed this case as well. He noted the resident does have the option to appeal under a different theory but as of this time there is no case pending.

The Borough Attorney informed he provided a Year End Summary to the Mayor and Council this past week and he highlighted some of the tax appeal issues his office handled. Mr. Rogan reported there were over 100 tax appeals filed at the County Board this past year for Closter; the majority were dismissed or affirmed. Currently there are 30 cases pending in Tax Court; 23 of which have been resolved by settlement, dismissal or withdrawal. There are currently 10 commercial cases pending for 2013 and 10 residential. There are still 10 remaining from 2012 that are yet to be resolved; and they are included in his summary.

The Borough Attorney affirmed the DPW contract, referred to earlier, is on the Agenda for this evening; and reported it has been ratified by the Union and was signed and forwarded to the Mayor and Council for the Resolution on this evening's meeting authorizing the Mayor and Councilwoman Latner to sign the Agreement. This will conclude the negotiations for this 4-year contract.

At this time, Borough Attorney requested a Closed Session to discuss an item of potential litigation and an item regarding a personnel matter.

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 he provided a Status Report and highlighted the items in his report. He explained this item is complete with the exception of guiderail along Ruckman Road. At this time we are waiting for Verizon to relocate an underground conduit so the guiderail can be installed. The project is on hold until such time as that is completed; and due to the weather, it may have to wait until the Spring to be completed. Mr. DeNicola reported there should be between \$10,000 - \$20,000 left over from this year's program to be used towards next year.

2) STATUS REPORT RE ZONING MAP REVISIONS TO INCLUDE PROPERTIES LISTED AS PART OF NEWLY CREATED CONSERVATION ZONE OVERLAY (RM 5/8/13) – Mr. DeNicola reported this project has been completed and copies were forwarded to the Borough for review. He has received some feedback and advised this map can be adopted at this juncture to make it the official Zoning Map. The Borough Engineer deemed this item complete and asked that it be removed from future status reports.

3) BOROUGH ROAD ASSESSMENTS FOR THE PURPOSE OF DEVELOPING A 5-YEAR PROJECTED ROAD PROGRAM - RM 7/24/13 – The Borough Engineer reported he has a meeting scheduled with the DPW Superintendent and Borough Administrator tomorrow to discuss this project. Although it is basically completed, he wants to get their input so they can have a better understanding of what they want to do so they can devise a schedule going forward.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

- 4) 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 project has been completed and there are two ramps with issues the contractor need to correct; therefore, payment is pending.
- 5) REPORT – The Borough Engineer informed the above items concluded his report.

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 they have reached out the EJIF Engineer again for an answer as to whether or not they will cover the cleanup.
- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
 - a) Mail List requests: None at the time of preparation of this Agenda
- 3) STATUS REPORT RE GOAL SETTING FOLLOW UP REPORT OF MEETING HELD 6/8/13 RECEIVED FROM REAGAN BURKHOLDER, SUMMIT COLLABORATIVE ADVISORS, LLC (6 M.L. 6/20/13 – Received 6/18/13/ Adjourned from WS 6/26/13) – Mr. Sheola reported we have completed this item; and he sent out a memo to the Council last week. He noted Councilman Barad had a good suggestion and he explained that since there are two items tied for first priority that they use those ties as first and second and that will give us our top three. Mr. Sheola reported the current top three are “communication”, “property taxes” and “governance”, in that order. Borough Hall had votes for fourth and fifth priority; and he suggested placing that item as the fourth one for 2014. He noted he will prepare the final report and distribute same as soon as possible so they can plan to move forward. A working copy will probably be ready by the end of the week.
- 4) STATUS REPORT RE POSSIBLE FOLLOW UP OF PRESENTATION MADE BY JOHN HATCH, PARTNER, CLARKE CATON HINTZ, ARCHITECTS FOR BOROUGH HALL EXTERIOR AT WS 8/28/13 – The Borough Administrator reported there is a Purchase Order going out for lead paint testing this week. He said he is not aware of how long it will take to get those results, but we will have that in place before we decide to go out to bid again on the project next year.
- 5) STATUS REPORT RE RFP’S FOR THIRD PARTY PAYROLL SERVICES FOR 2014-2015 CALENDAR YEARS (Awarded to Paylocity RM 11/13/13) – Mr. Sheola reported transfer of services and training are ongoing; and he requested this item be removed from his report.

At this time, the Borough Administrator reported that since the cell tower will be ours to operate come 1/1/14, he reached out to the tenants on the tower and said only one of the four have responded so far. Mr. Sheola informed that proposal is under review by the Borough Attorney’s office; and he hopes to have a report on same for the Sine Die meeting.

- 6) STATUS REPORT RE 2014 BUDGET PREPARATIONS – The Borough Administrator reported budget preparations are in process. All of the Departments have submitted their requests for next year but some of the advisory boards have not. Mr. Sheola informed he would send a memo to the respective Liaisons for follow through. He reported that so far all or most requests for 2014 are equal to or lower than what they were in 2013 by and large. Mr. Sheola explained he cannot provide any indicators until such time as the revenue for the remainder of the year has been posted in late December or early January. At that time, he will be able to report on how it will affect the tax rate and fund balance. Mr. Sheola requested the Finance and Budget Committee give some thought to scheduling some meeting dates so they can get started on this as soon as possible in January 2014.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

7) REPORT – The Borough Administrator reminded Councilman Glidden previously brought up the lightning detection system. Mr. Sheola reported he is working with the Human Resources Committee on revisions to the personnel policy and they need to schedule another meeting. One of the items needed is the “Employee Complaint Form”, so he reached out to some of the more tenured staff to ask if they had a copy of same, which they did not. Mr. Sheola said he will draft something up and circulate it for comment.

The Borough Administrator reported the new email addresses were rolled out this week; and there are only a few very minor glitches. He thanked Kevin Whitney for all of his hard and ongoing work on this project.

Mr. Sheola reported he distributed a 2013 Budget Report this evening for revenues and appropriations with some charts attached. He voiced his opinion that we are in very good shape though some of the revenues may be off, such as Inter Local Gasoline and Diesel purchases; on the other hand, the corresponding appropriations – gasoline purchases – are lower than anticipated so they balance out.

The Borough Administrator reported if the Council approves Consent Agenda Item No. 13 tonight for emergency generator bids, the specifications will be completed in the next few weeks to prepare to go out to bid.

At this time, Councilman Dolson asked for clarification of the lead paint testing; and said he noted it was a purchase order and asked if he meant a bid proposal. Mr. Sheola explained it was not a bid but a proposal that was provided by Clarke Caton Hintz for a firm they deal with in the amount of approximately \$2,000 for the lead paint testing. He reminded the issue was brought up by several contractors when we went out to bid because it was never done and, therefore, not known if they would be contending with lead paint or not. The architectural firm had surmised that this was part of the reason that the bids all came in so high. In answer to Mr. Dolson, he affirmed this was for exterior testing only.

B. BOROUGH CLERK

1) STATUS REPORT RE 2013/2014 APPOINTMENTS – The Borough Clerk reported we are current with outstanding 2013 appointments being maintained on the Regular Meeting Agenda. Regarding 2014 Appointments, a memo was e-mailed on 11/25/13 to the Liaisons informing of lack of responses from certain Boards/Commissions. As of today, the following have not responded: Environmental Commission; Historic Preservation Commission; Closter Improvement Commission. Ms. Castano requested the Liaisons follow through on same.

2) STATUS REPORT RE 2013 OATHS OF OFFICE – Current.

3) STATUS REPORT RE 2013/2014 LICENSES – Borough Clerk reported that the 2013 licenses are current. Regarding the 2014 Borough licenses issued by her office, Ms. Castano reported that a memo was sent on 11/4/13 to all licensees for second hand gold/silver, live entertainment and theater with response date of 12/16/13. As of today, we have received 7 of 8. She noted that though we passed an ordinance earlier this year to cover the smaller venues with live entertainment, and subsequently prepared a form, we have not heard from Angelina’s Gifts and Goodies.

4) STATUS REPORT RE 2013/2014 MEETING DATES - Borough Clerk reported that the 2013 meeting dates are current. Regarding the 2014 Meeting Dates, a response was requested by 12/2/13. As of today, we do not have meeting dates for Shade Tree Commission (their last meeting was 12/9/13); Board of Ethics (their next meeting is 12/12/13); and Historic Preservation Commission (their last meeting was 11/18/13). Ms. Castano reported although we received notice of Zoning Board of Adjustment meeting dates, we have sent a request to the Borough Attorney asking how it can be published and are awaiting response because the layout is very confusing.

The Borough Clerk reported a Special Meeting has been called for Wednesday, 12/18/13, at 7:30 p.m. in the Council Chambers for the sole purpose of recognizing the accomplishments of the Eagle Scouts of Boy Scout Troop 63; and no action will be taken at that meeting. Ms. Castano noted the Zoning Board meets at 8 p.m. so we will need to be mindful of that. She voiced her understanding that it would be presentations and photographs and would be a short meeting.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

5) STATUS REPORT RE PREPARATIONS FOR CODIFICATION OF ORDINANCE NOS. 2012:1134 TO 2013:1151 AS CODE SUPPLEMENT NO. 20 – Ms.

Castano reported we are waiting for the adoption of Ordinance No. 2013:1152 this evening to send legislation for posting on the General Code web site as “New Laws”. After that time, we will make a request for codification as Supplement No. 20.

6) REPORT RE RFP’S FOR 2014 PROFESSIONAL SERVICES (Posted on the Web Site 10/24/13 – Opening to be held 11/20/13 @ 10:30 a.m.) - Borough Clerk provided a report to the governing body via the web portal in lieu of the large packages that were distributed last year. She explained that we requested receipt of only two copies of each proposal which were then scanned in. Ms. Castano said this process saved a great deal of time and paper (3,519 sheets of paper saved). In answer to Mayor Heymann she voiced her understanding that we can’t request return via email only as there had to be an opening held for sealed bids. The Borough Attorney informed he would look into same and report back. Ms. Castano explained that quite a few people were willing to send via email; and the Borough Attorney said a hard copy would still be required. Councilman Dolson suggested requesting the information on a disc in addition to the printed copy as an option.

7) REPORT – Ms. Castano reported on the following items:

a. The New Jersey League of Municipalities is offering their annual Orientation seminar for Newly Elected, Re-Elected and Experienced Municipal Officials to be held on Saturday, 1/11/14, from 8:30 a.m. to 3:30 p.m. in Rutherford at the Renaissance Meadowlands Hotel (4. M.L. 11/14/13). Ms. Castano said this would be the last request for anyone to inform they wished to attend same.

b. The League of Municipalities, *New Jersey Municipalities* magazine subscription for 2014 from the League is available in both print and digital copy. Ms. Castano reminded a few Council persons inquired about receiving the digital copy. She reported she would provide a list of current subscribers to the Borough Administrator so he can follow through with finding out who would like to receive print versus digital as they are the same price.

c. The Sine Die and Reorganization Meeting are scheduled to be held Thursday, 1/2/14, at 7:00 p.m. and 7:30 p.m. respectively.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported he e-mailed the November monthly report late this afternoon. The Chief reported several burglaries in the past month and said there are special details out there right now. The Police Department is participating in the “Drive Sober or Get Pulled Over” holiday campaign sponsored by the State, though we did not receive any funding for same. They are utilizing their other DWI funds for the overtime shifts out there. Chief Kaine reminded the annual PBA Toy Drive will be next Wednesday, 12/18/13 at the Closter Fire House and he invited everyone to stop in. The Chief invited any questions or comments.

In answer to Councilman Kashwick, Chief Kaine explained there was an accident this past weekend by the Harvest Church where the vehicle drove into a traffic light and damaged the control box causing a power outage; which has been repaired.

Councilman Glidden requested additional details of the incident that took place at CORE referring to an email sent earlier in the week regarding two first responder officers who saved a man with CPR. Chief Kaine explained the officers in conjunction with a CORE employee had performed CPR on a gentleman who had a heart attack very quickly after it happened and the First Aid Squad was able to access the LUCAS machine with the defibrillator to bring him back; and he is reportedly going to be okay.

In answer to the Borough Administrator, Chief Kaine reported the new recruits last day at the academy is this Friday, and they will spend a week in Closter for final training and are scheduled to graduate from the academy on Friday, 12/20/13 at 3 p.m. Councilman Glidden asked the Chief to bring the recruits to the Sine Die meeting.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – DECEMBER 11, 2013 - 7:30 P.M.

7. REPORTS (Continued)

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS: Mayor Heymann informed she had no updates regarding the status of the grants.

a. FILED

1. 2013 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000)
Authorization for application RM 6/13/12

2. 2014 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$5,000)
Authorization for application RM 8/28/13

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

b. AWARDED

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

c. TO BE FILED

1. To be announced by Mayor.

2) REPORT – Mayor Heymann informed she sent a memo to the Council reminding them of the January 22, 2014 JIF Workshop. She is requesting everyone be here at 6 p.m. to receive the \$250 per Council person discount on the insurance bill.

Mayor Heymann informed that anyone wishing to visit the Governor's residence, Drumthwacket, even though the Governor will not be there, she has an invitation for herself plus four (4) guests.

8. OLD BUSINESS

a. TELECOMMUNICATIONS TOWER (Requested by Councilman Barad at WS 11/13/13/Discussed at WS 11/25/13)

Mayor Heymann noted that the item on the Agenda relative to the Cell Tower was requested by Councilman Barad but since he is not present at the meeting at this time, it can be addressed at a later date.

9. NEW BUSINESS

Councilman Kashwick referred to the tree line on Perry Street (by Nonna Clementina) and said the Shade Tree Commission feels the area would look better with trees noting that it would soften the urbanization in the area and improve the entrance into Closter. Mayor Heymann voiced her understanding that there was an issue as to ownership of the property in question; and the Borough Engineer said that the area is Borough property as it is a right-of-way. Borough Attorney said the Borough can plant trees in the right-of-way. Mayor Heymann said the property owner is not in favor of the planting of trees citing maintenance issues. Borough Administrator noted that the property owner was advised that a grass strip was placed on the Perry Street side for tree planting but subsequently pavers were installed by the property owner who now indicates that he does not want trees planted in the strip. Borough Engineer said the pavers could be removed rather easily. Borough Administrator referred to an agreement with the property owner to go all the way from the building to the end of the property line with the concrete sidewalk but same has not been accomplished which was the most decrepit portion of the sidewalk. Borough Engineer suggested that the Property Maintenance Officer inspect the area since the project was not completed. It was the consensus of the Council to plant the trees.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – DECEMBER 11, 2013 - 7:30 P.M.

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

Itzak Pearl, 43 Hickory Lane requested that the governing body consider substantiation of the complaint against Metropolitan Farm with additional expertise from Civil Engineer, Jeff DeRose, who submitted a proposal that included a cost of \$150 per hour not to exceed \$1,200 for a day of service at a hearing. The reports submitted by Mr. DeRose can be provided at no additional cost to the Borough. In discussion with the State Attorney handling this matter, he recommended that all information any of the residents have be shared with the Borough. The hearing dates have not been scheduled as yet.

Ira Rothbaum, 83 Hickory Lane, echoed the comments made by Mr. Pearl and recounted what has occurred in the past. He said that the group is still trying to obtain the 70 page report on the property and would also be willing to supply the Borough with not only the reports from Mr. DeRose but other information that the homeowners have accumulated. He asked for the continued support of the Borough in this matter. In answer to Councilman Glidden, Mr. Rothbaum reviewed the initial plans of Metropolitan Plant which included a 7,000 square foot retail facility with over 50 parking spots and 12 greenhouses that pose health and safety issues. Subsequently there has been a little tree cutting and the addition of plants and pots and felt the owners have not been forthright from the beginning with the intended use of the property. We have reached out to discuss the use of the property but there has been no response. Borough Attorney said that typically before this type of proceeding, there is encouragement for both sides to work things out. The property owners have indicated that they have no intention to sit down to discuss the matter. Mayor Heymann said the Borough would be a good venue to get the two parties together noting that times are different now; and she noted that the case is a County and State case and does not include the Borough. The Council is eager to help the residents come to reasonable solution to the project. Borough Attorney said that it is better to have live testimony at the hearing to support the written reports. Mayor Heymann suggested that this matter be taken up by the Council in Closed Session; and the Borough Attorney said that strategy can be discussed in Closed Session but not the cost of the testimony.

David Garfunkel, 3 Wendy Lane, referred to the Northern Valley Press article where Vastano did not talk about greenhouses and although he never saw the proposed greenhouses, he noted they are 50 feet wide by 130 feet long that need temperature control with large fans that are quite noisy that could decrease property values. Mayor Heymann noted that the town would get involved in the case of excessive noise.

Steve Isaacson, 97 Columbus Avenue, referred to an article in the newspaper regarding the garbage contract signed by Harrington Park and noted they are using IWS with tipping fees of \$64 per ton. He questioned why the Borough has to put up with a transfer station in addition to paying \$10 more per ton in tipping fees. Borough Attorney said if the Borough would privatize garbage collection, we would have a lesser fee. He noted that Miele contracts throughout the County where he is picking up the garbage, the tonnage fees are lower and in Closter he only picks up the recycling for which the Borough is not charged. Councilwoman Latner said that the contractor is making his money on the pick up of the garbage so that he can afford to lower the tipping fee.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – DECEMBER 11, 2013 - 7:30 P.M.

13. ADJOURNMENT

Motion to adjourn the Work Session at 8:40 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner, and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on December 20, 2013 for approval
at the Sine Die Meeting to be held
Thursday, January 2, 2014

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 January 2, 2014
Consent Agenda Item No. 18b.

The Thirty-Sixth Regular Meeting Medford, Massachusetts Wednesday December 11, 2013.Â That the Mayor be hereby authorized to accept the grant from the Executive Office of Environmental Affairs: and The Mayor be hereby authorized to take such other actions as area necessary to carry out the terms, purposed, and conditions of this grant to be administered by the Office of Community Development and That the resolution shall take effect upon passage.