

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
JULY 20, 2010
7:00 PM**

Mayor McHale called the meeting to order at 8:00 PM

Flag Salute; Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Press Journal*, posted on the Borough website and filed with the Borough of Dumont on January 5, 2010.

Roll Call:

Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-present
Mayor McHale-present

Due to the late start, there will be a public portion prior to the Committee Reports
Resolutions #195 and #199 have been moved to non-consent
Resolution #207-LMack Developer's Agreement has been pulled from the agenda
Resolution #216 has been moved to the consent agenda
Ordinances #1412 and #1413 have been pulled for further consideration
Motion to accept agenda as presented with amendments: Councilman Carrick
Second: Councilman Freeman
All in favor.

Approval of Minutes:

Motion to approve the June 15, 2010 Executive Meeting minutes: Councilman Stylianou
Second: Councilman Freeman
Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou,
Zamechansky-yes
Motion to approve the June 15, 2010 Public Meeting minutes: Councilwoman
Zamechansky
Second: Councilman Stylianou
Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou,
Zamechansky-yes

Motion to open to the public for general comment: Councilman Carrick
Second: Councilman Stylianou
All in favor.

Motion to close: Councilman Carrick
Second: Councilman Freeman

All in favor.

Administrator's Report

Councilwoman Zamechansky and Mrs. Faulborn kept the Senior Center open as a cooling station. The library reported that residents also used their facility.

The work is continuing as planned at the historic portion of the Library. The next phase and grant application would involve more window and woodwork restoration.

The Borough is going to contract with a third party vendor to purchase electricity-20% renewable energy. This will result in a savings of approximately \$15,000 in savings a year.

Mr. Perkins will be giving a seminar to Library employees Friday on policies and procedures and sexual harassment, which is mandated by JIF.

There is a resolution on tonight's agenda for approval of Shade Tree shared services with Demarest for the second year. Councilwoman Zamechansky is the chairperson of the Shared Services committee. Also, the Borough will be doing a shared service of a tub grinder with Bergenfield for the disposal of wood and the purchase of wood chips.

The Borough owns its own recycling. In less than a month it has realized \$6,800, which has been allocated to the general fund.

The Borough will apply for DOT grants for sidewalks and curbs on Virginia Avenue and "Safe Streets to Schools" on McKinley Avenue.

Council Committee Reports

- Councilman Caspare

Fire Department

There were 25 alarms and a total of 686 man hours in June.

There was a fire on Hunting last night, which was put out quickly by the Fire Department.

- Councilman Freeman

Buildings and Grounds

The Environmental Commission had asked that the front of Borough Hall be spruced up. Mr. Bowen and Mr. Ebenhack made sure the benches were repainted, flowers planted and weeds were pulled.

- Councilman Manna

Finance

Dumont received a credit upgrade to AA from Standard and Poors. The Borough, after working diligently for the past six years, is now back to sound financial footings.

The Finance Committee has also executed additional budget reductions. After ongoing meetings with department heads and the auditor the budget has been reduced to \$125 increase on an assessed value of \$382,000.

Mr. Perkins added that Standard & Poors conducted an interview. He, along with the CFO, the Borough Clerk, the Borough auditor and a representative from the auditor's office were present. The Borough was approved for AA rating. If we had gone for a bond sale from 2011-2025 (which we are currently doing) at our previous BAA rating, we would have paid \$362,000 more than with the AA rating.

Police

There were 3,125 calls handled by the Dispatch Center. There were 248 motor vehicle summonses issued.

- Councilman Carrick

DPW

There was trouble at the beginning of the new garbage contract but everything seems to be straightened out following a conversation among the owner, Councilman Carrick, Mr. Perkins and Mr. Paster.

Shade Tree Commission

They are planning on planting another thirty trees before November 1st.

- Councilwoman Zamechansky

Recreation Commission

Because TwinBoro Field is closed, arrangements have been made for teams to use other venues.

Celebrations

The first concert was held last week featuring “Reminisce”. Irish night will be held and “Coverup” will be performing August 26th. There will be no movies this year and fewer concerts.

- Councilman Stylianou

5K Race

The committee met with the officers of the Dumont Knights of Columbus to confirm plans for the pre-race pasta dinner September 10th. The Knights are donating everything.

Environmental Commission

There was a meeting last month and they are planning Dumont Day festivities. They have also proposed clean-up of the pocket park at the corner of Virginia and Washington Avenues.

Ordinance & Resolution Committee

Two ordinances on tonight’s agenda have been moved out of committee for consideration by the Council.

Mayor’s Report

Mayor McHale commended the Borough professionals, the governing body past and current for working diligently to re-establish the Borough’s credit rating. When he first took office, the Borough was downgraded to BAA. The accomplishment of earning a AA credit rating will benefit the residents through lower interest rates and knowing the Borough is financially sound.

Review of Consent Agenda Items: 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 member of the public or 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

#10-188 Approval of Tax Appeal-Zviti-Block 102, Lot 29 *

- #10-189 Approval of Dumont Jr. Football Coin Toss-July 24, 2010 *
- #10-190 Approval of Agreement with Valley Health Medical Group for Alcohol & Drug Testing *
- #10-191 Liquor License Renewal-Dumont Park Tavern, Inc. *
- #10-192 Approval of Block Party-Blanche Court-September 18, 2010 *
- #10-193 Approval of Police Towing Company List *
- #10-194 Authorization of Shade Tree Maintenance and Pruning Interlocal Agreement with the Borough of Demarest -\$33.10 per hour (paid by Demarest)*
- #10-196 Felix Alex-Hire as Seasonal Buildings & Grounds Employee-\$10.00 per hour *
- #10-197 Authorization to Enter into Contract Agreement with Bergen County Open Space Trust Fund-2009 Award *
- #10-198 Approval of Sargon Limousine Corporation Limousine License *
- #10-200 Approval of Block Party on Lucille Avenue August 28, 2010 *
- #10-201 Authorization to Advertise for Bids for Fire Engine (Pumper) *
- #10-202 Approval of Dumont Music Boosters On-Premise 50/50 Cash Raffle to be held at DHS Football Games; ID#109-5-3671, RL#323 *
- #10-203 Approval of Dumont Music Boosters On-Premise 50/50 Cash Raffle to be held at DHS Music Concerts; ID#109-5-3671, RL#324 *
- #10-204 Approval of Dumont Music Boosters Off-Premise Merchandise Raffle to be Drawn November 15, 2010; ID#109-5-3671, RL#325 *
- #10-205 Approval of Block Party on Wolcott Road August 21, 2010 *
- #10-206 Temporary Capital Budget Amendment *
- #10-207 Authorization to Execute LMack, LLC Developer's Agreement-45 Washington Avenue -**PULLED**
- #10-208 Bergen County Regional Emergency Medical Services-Authorization of Agreement *
- #10-209 Approval of Block Party on Bedford Road July 31, 2010 *
- #10-210 Approval of Sidewalk Sales at 16 E. Madison Avenue and 52 E. Madison Avenue *
- #10-211 Issuance of \$8,530,000 General Obligation General Improvement Bonds, Series 2010A Dated July 15, 2010 *
- #10-212 N.J. Department of Transportation "Safe Streets to Schools Program" Grant Application-\$275,000 *
- #10-213 TwinBoro Field-Approval of Soil Sampling and Reporting by Alaimo Group-not to exceed \$4,500 *
- #10-214 Authorization of N.J. Department of Transportation Municipal Aid 2010 Grant Application *
- #10-215 Approval of Grant School PTO Off-Premise Cash Raffle to be Drawn January 14, 2011; ID#109-5-37131, RL#326 *
- #10-216 Authorization of Settlement of Claim for 49 Morton Avenue-\$15,000 *

Motion on Consent Agenda: Councilman Stylianou

Second: Councilman Freeman

Motion to open to the public: Councilwoman Zamechansky

Second: Councilman Manna

All in favor.

1. Matt Krueger, 111 Thompson Street, asked for an explanation of Resolution #206, Temporary Capital Budget Amendment.

Liz Shick of the auditing firm, Lerch, Vinci and Higgins came forward and explained that since there is a bond ordinance on the agenda, this resolution will amend the capital budget to include this.

Mr. Krueger asked about Resolution #211. He asked why the payments increase significantly after the first five years.

Liz Shick responded that because the Borough has other outstanding bond issues. In this way debt is kept level.

2. Kai Chen, 90 Teak Road, asked for an explanation of Resolution #216. Mr. Chen asked if all resolutions can be put on the Borough website prior to a meeting.

Motion to close: Councilman Carrick

Second: Councilwoman Zamechansky

All in favor.

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Motion to open to the public on the 2010 Budget Amendment Resolution #10-187:

Councilwoman Zamechansky

Second: Councilman Stylianou

All in favor.

1. Kai Chen, 90 Teak Road, asked where the cell tower lease revenue is found in the budget. He asked if \$500,000 of the surplus has to be expended this year.

Ms. Shick from Lerch, Vinci & Higgins responded that it goes into surplus; it's not in the budget document. \$805,000 is being applied to this year's budget. Ideally, the Borough would like to regenerate \$800,000 so that they will have that amount to use in 2011.

Mr. Chen said he was disappointed in the lack of transparency with the budgeting process.

2. Matthew Kruger, 111 Thompson Street, asked the auditor if she knew the average surplus amount throughout the State. He also asked about the sick day and vacation liabilities sheet in the budget.

Ms. Shick responded the amount in surplus varies. She explained that sick day and vacation liabilities are used for retirements.

Motion to close on the hearing: Councilman Manna

Second: Councilwoman Zamechansky

All in favor.

Non-Consent Agenda Items

Motion to open to the public on non-consent items: Councilman Stylianou

Second: Councilman Carrick

All in favor.

1. Kai Chen, 90 Teak Road, asked if #195 is just for the property or if it includes installation of the pole. He asked if it is better than the one with MetroPCS and if there are any fringe benefits. He asked for an explanation of #219, self-examination of the budget.

Ms. Shick explained that every third year the Governing Body is permitted to review their budget, rather than having Local Government Services review it in detail. Division

did look at the budget and budget amendments to ensure that the Borough was within the tax levy cap. The auditor reviews the budget and certifies the amendments.

Motion to close: Councilman Carrick

Second: Councilman Manna

All in favor.

#10-195 Award of Bid for Lease of Real Property Owned by the Borough of Dumont at 1 Aladdin Avenue for Wireless Telecommunications Monopole-Excell Tower-\$31,117

Motion: Councilwoman Zamechansky

Second: Councilman Manna

Roll call vote: Council members Carrick, Freeman, Manna, Stylianou, Zamechansky-yes
Councilman Caspare abstained.

Motion carried.

#10-199 Michael McQuade-Hire as Seasonal Buildings & Grounds Employee-\$10.00 per hour

Motion: Councilman Manna

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Manna, Stylianou-yes
Council members Freeman and Zamechansky-abstained

Motion carried.

#10-217 Bills List

Motion: Councilman Manna

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Manna, Stylianou-yes
Council members Freeman and Zamechansky-abstained

Motion carried.

#10-218 2010 Municipal Budget Amendment #2

Motion: Councilman Manna

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou,
Zamechansky-yes

Motion carried.

#10-219 Self-Examination of the 2010 Budget

Motion: Councilwoman Zamechansky

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou,
Zamechansky-yes

Motion carried.

#10-220 Adoption of the 2010 Municipal Budget

Motion: Councilwoman Zamechansky

Second: Councilman Manna

Roll call vote: Council members Caspare, Freeman, Manna, Stylianou, Zamechansky-yes
Councilman Carrick-abstained

Motion carried.

ORDINANCES

Second Reading

#1411 Ordinance for Public Contracting Reform

Motion to waive formal reading: Councilman Stylianou

Second: Councilman Carrick

All in favor.

Councilman Stylianou read the purpose of the ordinance as stated in 1b of the ordinance: No professional business entity or vendor who submits a proposal for, enters into negotiations for, or agrees to any professional service contract or contract or agreement (including non-emergency contracts awarded by 40A:11 *et seq* or the “Fair and Open” Process pursuant to 19:44A-20 *et seq*) with the Municipality or any departments thereof, for the rendition of professional services, or goods and services, as the case may be, shall knowingly make any contribution of money, including in-kind contributions, to: (i) any Dumont candidate or holder of public office having ultimate responsibility for the award of a contract. He said that the purpose is not to legislate this issue at any level outside of Dumont; it is not to prohibit grassroots fundraising. The proposed ordinance is the result of hundreds of man hours of work and research by the Ordinance committee comprised of Councilman Manna, Councilman Carrick and himself as the chairperson. This ordinance includes in-kind contributions such as below-market rent for campaign headquarters or printing for less than fair market value. A contribution of even \$1.00 has to be reported within ten days of receipt by the candidate. The Committee attempted to address as many of the loopholes as they could. The first reading had a restriction for a company receiving a contract for more than \$17,500 if it did business with the town. The \$17,500 was removed from the second reading.

Councilman Caspare asked the attorney if it is legal to make that change and still have it on the agenda for second reading. The Borough attorney stated that the Borough Clerk and Councilman Stylianou had sought his advice on the same question and he deemed it was not a significant change to warrant being resubmitted for first reading.

Councilman Manna commented that this ordinance is more of a campaign finance reform ordinance. We need reform but it should come from Trenton. He stated that he feels that this is just for public consumption.

Councilman Stylianou responded that it is public perception and to prevent someone who has the decision-making authority to hire from taking money from people who are looking to get work from the Borough.

Mayor McHale asked if there is a limit on the contribution a club can make to a candidate. The response Councilman Stylianou was \$300 per election cycle per candidate.

The Mayor asked about the penalty in “6c”. If they don’t return the money as stated, Councilman Stylianou stated it would be an issue for the Ethics Board to address.

Motion to open to the public: Councilman Carrick

Second: Councilman Stylianou

All in favor.

1. Paul Eisenman, 250 Gorge Road, Cliffside Park, chair of Bergen Grassroots, read an article written by Heather Taylor and published in the Record which criticized the ordinance. He commented that the Ordinance Committee did not accomplish what it set out to do.

2. Irwin Buchheister, 39 Cedar Road, asked where they got the \$300 limit and the \$5,000 limit that any political group can give to a campaign. He also asked about the statement dealing with sealed bids and commented that there are flaws in the ordinance.
3. Matt Krueger explained to Mr. Buchheister that the contribution limit would not apply to citizens, only to businesses. He commended the Ordinance Committee for bringing the ordinance forward.
4. Paul Eisenman, 250 Gorge Road, Cliffside Park, wanted to clear up a misconception. The limitation applies only to people who want a contract from the Borough.
5. Kai Chen, 90 Teak Road, asked about a comment Councilwoman Zamechansky made at the last meeting to the effect that those council members not on the Ordinance Committee, were advised not to attend the committee meetings.
6. Kim Rodano, 111 Cresskill Avenue, commented that if third party vendor contributions are allowed there would be questions of transparency.

Motion to close: Councilman Carrick

Second: Councilman Freeman

All in favor.

Councilman Freeman asked Councilman Stylianou to confirm that there is an anti-wheeling statement in the ordinance to which his response was that it is in Paragraph 6a.

Motion to adopt on second reading: Councilman Stylianou

Second: Councilman Manna

Roll call vote: Council members Carrick, Freeman, Stylianou, Zamechansky-yes

Council members Caspare and Manna-no

Motion carried.

First Reading

#1412 Private Storm Drain Inlet Retrofitting Ordinance-PULLED

#1413 Refuse Containers/Dumpsters Requirements Pertaining to Stormwater-PULLED

#1414 Amendment to the Rent Control Ordinance

Motion to waive formal reading: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Motion to adopt on first reading: Councilman Carrick

Second: Councilwoman Zamechansky

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou,

Zamechansky-yes

Motion carried.

#1415 An Ordinance to Amend, Revise and Supplement Ordinance No. 1286 and its Progenies as to the Establishment of Certain Compensation Ranges and Related Items for Certain Officers and Employees

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Motion to adopt on first reading: Councilwoman Zamechansky

Second: Councilman Manna

Roll call vote: Council members Carrick, Caspare, Manna, Stylianou, Zamechansky-yes
Councilman Freeman abstained.

Motion carried.

#1416 Bond Ordinance to Provide for Improvements to Veteran's Memorial Park and other Parks and Fields, Providing an Appropriation of \$341,150 therefor and Authorizing the Issuance of \$174,800 of bonds and/or notes of the Borough for Paying the Cost of said Improvements Authorized to be Undertaken in and by the Borough of Dumont, in the County of Bergen, New Jersey

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Manna

All in favor.

Motion to adopt on first reading: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou,
Zamechansky-yes

Motion carried.

Motion to adjourn: Councilman Stylianou

Second: Councilman Carrick

All in favor.

Meeting was adjourned at 9:45 PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Borough Clerk