

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
OCTOBER 6, 2015
6:30 PM**

Mayor Kelly called the meeting to order at 6:30PM

Flag Salute, Moment of Silence

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 *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members Correa, Hayes, Manna, Riquelme, Zamechansky-present

Councilman Morrell-absent

Motion to accept agenda as presented: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

Jaclyn Grillo and Daniel Campbell from Maser Consulting made a presentation on Residential Energy Aggregation. By including the Borough, the residents' bills would be lower, because Maser would go out to bid to purchase electricity in bulk. The supplier is responsible for electricity generation. The delivery charge is from PSE&G, which would be responsible for maintenance of power lines, distribution and transmission and power outages. Dumont could establish a municipal energy aggregation program by ordinance. Residents who wish to opt out could, without penalty. Businesses would have to opt in. The only time Maser would advise to opt in is if there would be a significant savings.

Councilman Hayes asked if we have a contract with Maser and the rates are locked in, what would happen if PSE&G's rate went down. Ms. Grillo said that the contract specifies that the third party supplier would have to match that rate.

Councilwoman Zamechansky asked who incurs the cost of mailings, etc. Mr. Campbell replied that Maser does. There truly is no charge for the town.

Motion to open to the public: Councilman Hayes

Second: Councilwoman Correa

All in favor.

1. Suzanne Reardon, 46 Harrison Street, asked what was in it for Maser. Mr. Campbell replied that Maser gets paid by the third party supplier. Ms. Reardon asked how much the town gets. Ms. Grillo replied that the town does not receive the savings; the residents do. The town would be utilizing a state contract to help the residents. Ms. Reardon asked who monitors the rate changes. Mr. Campbell replied that Maser does.

2. Judy Parker, Susan Drive, Closter asked if this is just electric. The reply was yes.

She asked why a resolution is needed. Mr. Campbell said in order to aggregate the entire residential load to get a volume discount, an ordinance must be adopted. These are State regulations.

3. Chris Snell, 84 Franklin, asked if there are any termination fees and if the rates are fixed, floating or hybrid? Mr. Campbell replied there are no fees and the rates are fixed. A contract could be from three months to three years. Ms. Grillo explained the advantage of town wide versus individual household is that the bidder is buying the whole town. Can houses with solar panels participate? The answer was yes.

4. Lili Binney, 32 Roxbury Rd., asked if there is any negative to this program. The answer was no.

Motion to close to the public: Councilman Manna

Second: Councilwoman Correa

All in favor.

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

#15-217 Approval of Dumont High School Music Boosters On-premise Cash Raffle to be held November 19th, 20th and 21st; ID#109-5-36714, RL#437 *

#15-218 Municipal Representatives of Community Development Committee *

#15-219 Endorsement of Shade Tree Application for a Green Communities Grant through the Department of Environmental Protection * The matching portion is in volunteer hours.

#15-220 Endorsement of 2016 Department of Transportation Grant Application for Johnson Avenue between Columbia Avenue to Madison Avenue *

#15-221 Janet Galligan-Hire as Part-time Recreation Coordinator-\$15.00 per hour * Councilman Manna asked if it was a conflict for Ms. Galligan to work for the Commission and at the same time serve as Alternate Commissioner.

Councilwoman Zamechansky asked if anyone is keeping track of the hours for Ms. Galligan and Mr. Esposito.

#15-222 Endorsement of 2016 Department of Transportation Grant Application for Depew Street from Davies Avenue to Wood Place *

#15-223 Endorsement of 2016 CDBG Road Program Grant Application-Thompson Street*

#15-224 40 Stratford Road-Hazard and Abatement Fees to be Applied as Municipal Liens *

Councilman Hayes wanted to make sure that the grants on the agenda are non-matching, which they are. Councilman Manna said that they are still looking in road improvement trust.

Councilwoman Correa told Mr. Snell that Recreation's February, June and July minutes have not been approved yet.

Motion to open to the public on Consent Agenda items: Councilman Manna

Second: Councilman Riquelme
All in favor.

Motion to close: Councilman Manna
Second: Councilwoman Correa
All in favor.

Motion to adopt the Consent Agenda: Councilman Riquelme
Second: Councilman Manna
Roll call vote: Council members Correa, Hayes, Manna, Riquelme,
Zamechansky-yes

Ordinances

First Reading

#1492 Amendment of Chapter 21, Section 9-Traffic-of the Dumont Borough Code

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Councilwoman Correa asked if they are putting a sidewalk on Veteran's Plaza. Yes.
Councilman Manna asked if the residents had been notified. Councilman Hayes
responded that according to the police there was no resistance-it is just during school
hours.

Motion to pass on first reading: Councilman Hayes

Second: Councilwoman Correa

Roll call vote: Council members Correa, Hayes, Manna, Riquelme,
Zamechansky-yes

#1493 Bond ordinance providing for various improvements to Locust
Avenue and Brook Street in and by the Borough of Dumont, in the County
of Bergen, New Jersey, appropriating \$135,000 therefor and authorizing
the issuance of \$128,250 bonds or notes of the borough to finance part of
the cost thereof.

Motion to waive formal reading: Councilman Manna

Second: Councilwoman Zamechansky

All in favor.

Councilman Hayes asked if this project is really needed. He would like to hold off
on this. He understands that Recreation has a lot of bond money that's not being used.

Motion to pass on first reading: Councilman Manna

Second: Councilwoman Zamechansky

Roll call vote: Council members Correa, Manna, Riquelme, Zamechansky-yes
Councilman Hayes-no

Motion to open to the public for general comments: Councilman Manna

Second: Councilwoman Zamechansky

All in favor.

1. Louis DiPaolo, 32 Highland Avenue, asked Finance Chair Councilman

Hayes if there will be any emergency appropriations. Councilman Hayes does not believe there will be. Has the Mayor or Council met with the Board of Ed regarding ownership of 50 Washington Avenue? Councilwoman Correa said that she went to the July and August Board of Ed meetings. She asked the Board and Superintendent about ownership of 50 Washington Avenue. They were in favor of meeting in open session but the recommendation by our attorney was to meet in closed session due to litigation. In August nobody had reached out to them. She had listened to the September meeting audio tape in which Mr. Perkins said he was going to write a letter to the Board of Ed, which was going to go out the next day.

Councilwoman Zamechansky stated that there had been a meeting in March.

Mr. DiPaolo asked who would facilitate that meeting. Mayor Kelly replied that it was the consensus of the governing body that Mr. Perkins contact the school superintendent to facilitate a meeting. Councilwoman Correa said that she would like to attend that meeting; she would take a day off from work if need be.

Councilwoman Zamechansky said that Mr. Triggiano had called Mr. Perkins while he was on vacation and although the Municipal Clerk said she could set up a date for a meeting, he replied that he would wait until Mr. Perkins returned.

2. Dr. deLyon, 67 Beacon Street, commented that he was glad that something was done on the Board of Education lease. He referred to an article in the TwinBoro News in which the Mayor said he was looking into shared space in the Bergenfield municipal building. How does the rest of the Council feel? Has a subcommittee been formed to tour the facility? Mayor Kelly responded that he had had a discussion with the mayor of Bergenfield but it did not have to do with the building. He will be meeting with the mayor to look at the space but he thinks the space is not big enough. Dr. deLyon stated that the Borough Administrator's contract allows 22 and 1/2 days to be sold back to the borough. Does the borough have a dedicated line account for payments in this category or if funds are transferred? If transfers are used, what other accounts are used for these payments? In 2013, the payment was \$13,700. When was the Administrator last evaluated in writing, is there a set form, how often, who completes the evaluation? Council members Hayes and Zamechansky confirmed that Mr. Perkins was evaluated by the Mayor and Council on a set form. Dr. deLyon asked about the situation of the woman on Roosevelt Avenue who has had water issues for ten to thirteen years. Mayor Kelly replied that there have been numerous meetings. He, council members and engineers have been to her house. The engineers have come up with several solutions but she has not accepted any of them.

3. Chris Snell, 84 Franklin, stated that Mr. Perkins' contract stipulates he will return \$5,000 in salary for 2014 and 2015 in furlough days. He asked what a furlough day is. Mr. Paster explained that it is a day you don't come to work and don't get paid for it. Mr. Snell asked why his salary wasn't reduced instead. Who wrote the contract? Mr. Paster responded that it was originally written by Mr. Bernstein, labor attorney and then tweaked by the current labor attorney from Chasan, Leyner. Mr. Snell asked why there are two line items-administrator and chief of staff.

4. Dr. deLyon, 67 Beacon Street, said he has Mr. Perkins' contracts. The salary in the original one in 2006 was \$115,000 with 4% raises for the next two years. The next contract dropped to \$95,000 for administrator, \$30,580 for chief of staff.

5. Lili Binney, 32 Roxbury, asked whether the administrator gets free gas. Councilman Hayes responded he does. Ms. Binney asked if Mr. Buzak is taking Burchell's place and if he would have time to. Mr. Paster responded no; Mr. Buzak is the lead counsel for the League of Municipalities. Ms. Binney asked if Mr. Buzak would have time to dedicate to Dumont. Mr. Paster replied that Mr. Buzak was retained as a specialist based on the wishes of the public but he ratified Mr. Paster's course of action. We're in the same spot as most towns in New Jersey. Frank Banish has been appointed Special Master to replace Mr. Burchell. Mr. Paster explained that he is the equivalent to a mediator appointed by the courts to assist in the affordable housing plan vetting an approval process. A conference will be held with Mr. Banish on October 29th at which point some pending motions will be heard and a conference will be held to determine where we are in terms of a new housing plan.

6. Tom Kelly, 70 Beacon Street, asked if there is any affordable housing planned for anywhere other than 50 Washington Avenue. Mr. Paster replied that no affordable housing units have been planned; we have to know how many we need and then how to get it fulfilled. Mr. Kelly asked if there will be any more AdHoc committee meetings or if it will be disbanded. The mayor said he would like to keep the AdHoc committee for now. The last recommendation was for us to meet with the developer, which could happen in the next few weeks. Will the committee present their findings? The mayor said there will be a summary. Mr. Kelly asked if 50 Washington Avenue is still an option. Mayor Kelly responded that the recommendation of the Committee at the time was that remediation and rebuilding 50 Washington Avenue was not an option but he said it is not off the table.

7. Chris Snell, Franklin Avenue, asked Mr. Paster what "area in need of redevelopment" does. Mayor Kelly responded that it does not take the Board of Ed out of the picture. It actually makes the land more valuable. Mr. Paster explained basically gives a municipality the right to determine the fate of a piece of property. It does not change ownership necessarily. It's usually used on publicly owned property that's fallen into disrepair. Borough Hall is about one hundred years old, in very bad disrepair and been deemed unsafe for human habitation by the County.

Councilwoman Correa stated she is against the "area in need of redevelopment" resolution. She needs to know that the Board of Ed is giving us the right of first refusal. She would also like to recommend that additional members be added to the AdHoc Committee-people who come and ask many questions-Tom Kelly, Lili Binney, Lynne Vietri. This way questions could be asked and answered in a small environment.

Councilman Hayes commented that minutes should be taken at the AdHoc Committee meetings. Councilwoman Correa, as liaison, should take minutes. The Councilwoman disagreed, stating that she is not the liaison, she is a member

of the Committee; therefore she should not be expected to take minutes-the Mayor is the Chairperson and if he didn't assign anyone, he should have relayed the information from the Committee to the Council. The Mayor said that the resolution establishing the Committee stated that minutes from the AdHoc Advisory Committee meetings will be maintained by the members of the committee exclusively until after the dissolution of the Committee, which has not been dissolved and then there would be submission of final report. Mr. Paster stated that the right of first refusal would not be extinguished by adding an area of redevelopment designation.

8. Judy Parker, Closter, asked to be a member of the AdHoc Committee in the future. She is a commercial real estate broker and owns the property next to Borough Hall.

9. Tom Kelly, 70 Beacon, said the Joint Land Use Board passed a resolution designating 50 Washington Avenue as an area in need of redevelopment. It does change things for the school board. It would not allow a school to be built. Mr. Paster explained that a redevelopment plan would be adopted by the Borough, which would determine what is going to be built there. However, the right of first refusal of the Board of Education would still be in place and would have to be dealt with in an economic. He was disturbed that the Joint Land Use Board passed the resolution.

10. Lili Binney, Roxbury, wanted to clarify that the Mayor and Council, not the AdHoc Committee, would be meeting with the developer. The Mayor replied that it would be the Mayor and Council.

11. Suzanne Reardon, 46 Harrison Street, felt that it is a conflict of interest for Maser to be on the Joint Land Use Board and provide electricity to the town. Mr. Paster explained that they are working for the citizens of Dumont in both capacities.

12. Chris Snell, Franklin Street, asked if there is a deal with the developer with 50 Washington Avenue? The Mayor replied no.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Manna

All in favor.

The Municipal Clerk read the resolution to enter closed session to discuss:

Contract negotiations-Police Dispatch

Affordable housing declaratory judgment update

Motion: Councilwoman Zamechansky

Second: Councilman Manna

Roll call vote: Council members Correa, Hayes, Manna, Riquelme, Zamechansky-yes

Motion to go back into public following closed session: Councilman Manna

Second: Councilman Riquelme

All in favor.

Councilwoman Correa asked the Mayor if he didn't feel that he should have let everyone know what the AdHoc Committee was discussing. Mr. Paster said that the resolution was written that way so that members' personal notes would not be OPRable.

Councilwoman said that she'll agree to disagree.

Motion to adjourn: Councilman Hayes

Second: Councilman Manna

All in favor.

Meeting adjourned at 8:35PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk