

Minutes of the Special Meeting of the Mayor and Council of the Borough of Bogota held on Monday, April 14, 2014, at 7:30pm in the Council Chambers at Borough Hall.

Salute to the flag was led by Councilman Mitchell.

Roll Call: Mayor Jackson, Council members Burdiez, Kohles, Mitchell, Nunez, and Robbins were present. Council member Kelemen was absent. The Borough Attorney, Douglas Bern was unavailable due to a religious holiday. Michael Austin replaced Attorney Bern.

The notice requirements of the Open Public meetings Act have been satisfied as notice was sent to two newspapers and posted on the Borough Hall bulletin board on April 11, 2014.

Discussion:

The CFO, Frank DiMaria was present to discuss CAP waiver prior to introduction of the municipal budget on Thursday, April 17, 2014. He explained that a waiver was never approved for last year's budget. The town was on self-evaluation of the budget last year which meant that local checks should be made. A budget was adopted that was \$19,000 over levy cap last year. There were over-expenditures in 2010, 2011, 2012, and 2013. There was an operating deficit in 2012.

This means that you must be prudent this year.

After the sale of the cell tower last year, \$300,000 of sale was used in 2013 budget. There is \$340,000 left. There were \$73,000 in over-expenditures last year. There are two litigation cases with JIF totaling \$150,000. There are also attorney fees resulting from special counsel for OPRA and 297 Palisade litigation, as well as attorney fees due to contractual issues and various other OPRA matters. Engineering bills are high as well, but 50% of those bills will conceivably be paid out of ESCROW.

Problem 1: Operating budget cap is somewhat deficient but can be tackled. NJDCA Director Neff will want to know to what end we are coming. (First option: go to CAP) (Second option: Sell an asset)

Mayor Jackson: We have to knock off lawsuits.

CFO DiMaria: They are covered in current in CAP.

Mayor Jackson: There is not enough money to go around. The money from the sale of an asset is being blown on legal. It is a war with Nunez' attack on 297.

Councilman Burdiez: don't politicize meeting.

Councilman Nunez: Stay on topic. He is giving us a lot of info. You are getting off topic.

Mayor Jackson: We are paying for Jorge's private war.

Councilman Nunez: That is your spin. There were over-expenditures in 2010, 2011, 2012, and 2013. You spent more than you had.

Mayor Jackson: Shut up. There were storms that came through. Money is going to attorneys, etc. Engineering bills are excessive this year.

Councilman Nunez: Tito, you can keep saying...

Mayor Jackson: Shut up, or I will clear the chamber.

Councilman Nunez: You cannot control yourself.

Mayor Jackson: Clear the chambers.

(The Public was instructed to leave the public meeting.)

Mayor Jackson: If you do not have decorum, I will end the meeting.

Councilman Nunez: You do not have the power to end the meeting

Attorney Austin: Wait --You cannot do this. You cannot go into closed session without a resolution.

Mayor Jackson: We are not in closed session.

Attorney Austin: Yes you are. You instructed the public to leave the chambers.

(The Public was instructed to return to the public meeting.)

Mayor Jackson: I expect not to be interrupted. I will finish what I have to say. Are we clear?

Councilman Nunez: You cannot take over the meeting and talk about whatever you want.

Councilwoman Kohles: 80% of bills are from 297.

CFO DiMaria: We need a plan to cover for the worst case scenario.

Councilman Robbins: Worst case scenario because we may not get CAP waiver?

CFO DiMaria: We need to present a good plan because we do not have a good track record.

Address Problem 1. After Intro, go look at hard cuts. Put them in place before waiver review.

Projected spending needs to go below approval levels to bring contingency.

Review administrator's recommendations, and go even further if necessary.

Discussion on budget continued between CFO, Mayor, and Council members.

Citizens Remarks:

Anna Ferris of 453 Larch Avenue suggested a possible means of negotiation. She referenced the Itemized Department Head meetings held a few years ago.

George Silos of 385 Larch Avenue reminded the Mayor and Council that the public was directed to leave the public meeting and the door was closed to the public. Talking took place among the governing body members and then the door was opened, and the public was allowed to return to the public meeting. Mr. Silos then mentioned the need to keep up with Parliamentary procedures and Robert's Rules.

A closed session with resolution No. 14-97A being approved at 8:52pm was conducted in the council chambers while the public waited in the hallway. The following was discussed:

Litigation – Tasca Case

Open session reconvened and meeting adjourned at 9:25pm.